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SALUS POPULI SUPREMA LEX ESTO

*"The welfare of the people shall be the supreme law."*



ROBIN CARNAHAN  
SECRETARY OF STATE

MISSOURI  
REGISTER

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**SECRETARY OF STATE**

**ROBIN CARNAHAN**

Administrative Rules Division

James C. Kirkpatrick State Information Center  
600 W. Main  
Jefferson City, MO 65101  
(573) 751-4015

**DIRECTOR**

WAYLENE W. HILES

•

**EDITORS**

CURTIS W. TREAT

SALLY L. REID

**ASSOCIATE EDITOR**

SARAH JORGENSON

•

**PUBLICATION TECHNICIAN**

JACQUELINE D. WHITE

•

**ADMINISTRATIVE ASSISTANT**

LAUREN A. BAUMAN

•

**SPECIALIST**

ADAM T. SANDBERG

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The secretary of state's office makes every effort to provide program accessibility to all citizens without regard to disability. If you desire this publication in alternate form because of a disability, please contact the Division of Administrative Rules, PO Box 1767, Jefferson City, MO 65102, (573) 751-4015. Hearing impaired citizens should contact the director through Missouri relay, (800) 735-2966.



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Documents will be accepted for filing on all regular workdays from 8:00 a.m. until 5:00 p.m. We encourage early filings to facilitate the timely publication of the *Missouri Register*. Orders of Rulemaking appearing in the *Missouri Register* will be published in the *Code of State Regulations* and become effective as listed in the chart above. Advance notice of large volume filings will facilitate their timely publication. We reserve the right to change the schedule due to special circumstances. Please check the latest publication to verify that no changes have been made in this schedule. To review the entire year's schedule, please check out the website at <http://www.sos.mo.gov/adrules/pubsched.asp>

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## HOW TO CITE RULES AND RSMo

**RULES**—Cite material in the *Missouri Register* by volume and page number, for example, Vol. 28, *Missouri Register*, page 27. The approved short form of citation is 28 MoReg 27.

The rules are codified in the *Code of State Regulations* in this system—

Title	Code of State Regulations	Division	Chapter	Rule
1	CSR	10-	1.	010
Department		Agency, Division	General area regulated	Specific area regulated

They are properly cited by using the full citation , i.e., 1 CSR 10-1.010.

Each department of state government is assigned a title. Each agency or division within the department is assigned a division number. The agency then groups its rules into general subject matter areas called chapters and specific areas called rules. Within a rule, the first breakdown is called a section and is designated as (1). Subsection is (A) with further breakdown into paragraph 1., subparagraph A., part (I), subpart (a), item I. and subitem a.

**RSMo**—The most recent version of the statute containing the section number and the date.

**T**he Secretary of State shall publish all executive orders beginning January 1, 2003, pursuant to section 536.035.2, RSMo Supp. 2009.

## EMERGENCY DECLARATION

WHEREAS, the severe storms and heavy rains that have occurred in the northern areas of Missouri on June 8, 2010, and June 12, 2010, have resulted in flooding and the closure of roadways; and

WHEREAS, the high stream flows from these storm events have resulted in significant scour damage to the bridge piers of the U.S. Route 24 Bridge over the Grand River on the border of Carroll and Chariton Counties; and

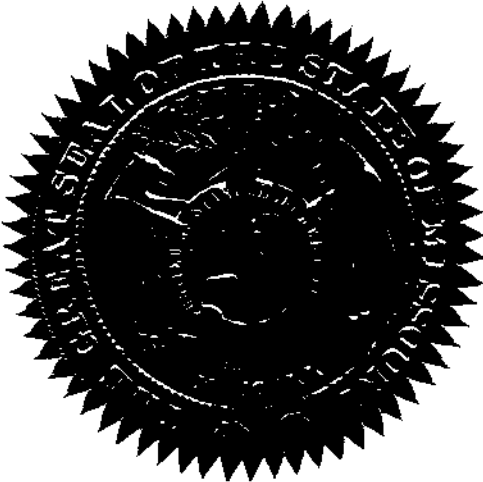
WHEREAS, as a result of the scour damage, the Missouri Department of Transportation has had to close the bridge to ensure the safety of the traveling public; and

WHEREAS, U.S. Route 24 is a vital east/west commerce and transportation link for the area; and


WHEREAS, such conditions constitute an emergency as is contemplated by the terms of Sections 125 and 120(e) of Title 23, U.S.C.

NOW THEREFORE, I, JEREMIAH W. (JAY) NIXON, GOVERNOR OF THE STATE OF MISSOURI, by virtue of the authority vested in me by the Constitution and Laws of the State of Missouri, do hereby proclaim that an emergency exists concerning the damage and structural integrity of the U.S. Route 24 bridge over the Grand River, which is a vital commerce and transportation link for this region of the state.

FURTHER, I direct that this Emergency Declaration shall become effective immediately upon signature and shall continue in effect until the repairs to the U.S. Route 24 Bridge have been made and the bridge deemed safe for use by the traveling public.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson, on this 2nd day of July, 2010.

  
Jeremiah W. (Jay) Nixon  
Governor

ATTEST:

  
Robin Carnahan  
Secretary of State

**EXECUTIVE ORDER  
10-24**

WHEREAS, the Constitutions of the United States and of the State of Missouri afford to all persons equal protection under the law; and

WHEREAS, the Congress of the United States and the General Assembly of the State of Missouri have enacted legislation prohibiting discrimination in public accommodations, housing and employment on the basis of race, color, religion, national origin, sex, ancestry, age, and disability; and

WHEREAS, personnel practices and procedures within the executive branch of the State of Missouri should not discriminate, through disparate treatment or disparate impact, against anyone, in violation of any federal or state civil rights statute, executive order, rule, regulation, or judicial decision; and

WHEREAS, the employment practices of the State of Missouri and the operation of its services and facilities should serve as a model for business, industry, and labor; and

WHEREAS, Title VII of the Civil Rights Act of 1964 and the Missouri Human Rights Act prohibit employment discrimination based on race, color, religion, national origin, sex, ancestry, age, and disability.

NOW, THEREFORE, I, Jeremiah W. (Jay) Nixon, Governor of the State of Missouri, in recognition of the obligations of the State of Missouri and by virtue of the authority vested in me by the Constitution and laws of the State of Missouri do hereby promulgate the following Code of Fair Practices for the Executive Branch of State Government.

**ARTICLE I**

The executive branch of the State of Missouri shall ensure that all present and prospective employees are afforded equal opportunity at all levels and phases of employment within state government with respect to, but not limited to, hiring, recruiting, training, benefits, promotions, transfers, layoffs, demotions, terminations, rate of compensation, and recalls from layoffs. It shall be the responsibility of the State Office of Equal Employment Opportunity to monitor all departments of the executive branch of state government and assist them to ensure equal employment opportunity. The State of Missouri shall work to ensure that there will be no vestiges of discrimination against persons on account of race, color, religion, national origin, sex, ancestry, age, sexual orientation, veteran status, or disability; not only in employment practices but in the provision of services and the operation of facilities.

**ARTICLE II**

**State Equal Employment Opportunity Officer**

The Governor shall designate a State Officer, hereinafter referred to as the State Equal Employment Opportunity (EEO) Officer. The State EEO Officer shall report to the Governor and the Commissioner of Administration. He or she shall have primary responsibility for assisting in the coordination and implementation of workforce diversity programs throughout all departments of the executive branch of state government, and for advising the Governor on issues regarding equal employment opportunity, workforce diversity, and efforts to administer workforce diversity action goals and timetables for implementation throughout the departments of the executive branch.

The State EEO Officer shall be the state's chief compliance officer for the executive branch of state government to ensure that the State of Missouri is complying with all federal and state laws concerning equal employment opportunity and workforce diversity. He or she shall assist each department in developing a Workforce Diversity Plan. Additionally, the State EEO Officer shall review progress reports of the departments and shall meet biannually with each department director to evaluate departmental results and determine the course of future workforce diversity goals, timetables, recruiting, planning, and implementation. The results of each meeting shall be reported in writing to the Commissioner of Administration.

Not later than January first of each calendar year, the State EEO Officer shall provide a report to the Governor and the Commissioner of Administration that summarizes the activities of each department pursuant to this Order and that contains recommendations for additional programs to accomplish the purposes of this Order.

Subject to appropriations, the Commissioner of Administration shall provide the State EEO Officer with such facilities, staff, resources, equipment, and supplies as are necessary to carry out the duties set forth herein. The State EEO Officer shall submit a proposal each fiscal year to the Commissioner of Administration, detailing the needs of the Office of Equal Employment Opportunity.

### **ARTICLE III**

#### **Workforce Diversity Council**

Each department director shall designate an individual with sufficient experience and authority within the department to be able to communicate on behalf of the department and to implement recommendations of the Council, to serve on the State Workforce Diversity Council, hereinafter referred to as the "Council."

The Council shall:

- Meet quarterly and be chaired by the State EEO Officer;
- Work to ensure that all employees of the state are educated on issues involving diversity;
- Make such recommendations as it believes necessary to the State EEO Officer to assist in the implementation of this Order; and
- Assist the State EEO Officer in formulating policy and issues that affect workforce diversity in the executive branch of state government.

The Council designee shall be the chief liaison to his or her department concerning equal employment opportunity and workforce diversity issues and shall make recommendations and report any changes, trends and new occurrences with respect to workforce diversity to their respective departments.

### **ARTICLE IV**

#### **Workforce Diversity Program**

The Workforce Diversity Program will demonstrate the State of Missouri's good faith effort to eliminate any potential discriminatory barriers to employment, while enhancing the state's effort to provide equal employment opportunity and improve workforce diversity.



The Program shall:

- Ensure awareness of workforce diversity before hiring decisions are made;
- Prohibit the departments in the executive branch from engaging in unlawful discriminatory practices; and
- Place a strong emphasis on recruitment, retention, and upward mobility as methods to enhance the State of Missouri's work force through equal employment opportunity and workforce diversity.

### **ARTICLE V**

#### **Workforce Diversity Plan**

Each department of the executive branch shall submit a revised Workforce Diversity Plan to the State EEO Officer by September 30<sup>th</sup> of each year. The primary responsibility for developing the Workforce Diversity Plan will rest with each department director. The State EEO Officer shall review and approve each submitted plan to ensure it significantly complies with the provisions and purposes of this Order.

Each Workforce Diversity Plan shall contain the following items:

- A departmental policy statement on Equal Employment Opportunity and Workforce Diversity;
- Identification of individuals who will be responsible for implementation of the Workforce Diversity Plan within the department;
- A utilization and availability analysis presented in a form and manner as determined by the Office of Equal Opportunity;
- Identification of problem areas and proposed actions and timelines;
- A statement on how progress will be monitored and reported;
- A description of departmental recruiting practices that will be used to diversify the department's work force;
- Procedures used to ensure all tests for employment and promotion are nondiscriminatory; and
- Identification of diversity training needs within the department and plans to address those needs.

All state agencies shall require participation by all employees in periodic training that cover the topics of:

- Discrimination;
- Sexual harassment;
- Cultural and work force diversity; and

- Other appropriate human relations training as determined by the Office of Administration, Division of Personnel. The Division of Personnel shall approve all Workforce Diversity Training provided by state agencies.

If the State EEO Officer determines that a department's Workforce Diversity Plan does not meet the requirements of this Order, he or she shall report the same to the Commissioner of Administration and the Governor, who shall take such actions and offer such assistance as they deem necessary to ensure that the department develops and files a Workforce Diversity Plan which meets the requirements of this Order.

#### **ARTICLE VI**

##### **State Employment Services**

All departments which provide employment referrals or placement services to public or private employers shall provide these services without regard to race, color, religion, national origin, sex, ancestry, age, sexual orientation, veteran status, or disability, and shall not engage in any unlawful acts in violation of federal or state discrimination laws. No job orders designed to exclude persons as mentioned above shall be filled unless by reason of a bona fide occupational qualification.

#### **ARTICLE VII**

##### **State Services and Facilities**

Every department shall offer its services to the public without discrimination. No state facility shall be used to promote any discriminatory practice, nor shall any department become a party to any agreement which permits any discriminatory practice prohibited by this Order, state or federal law.

#### **ARTICLE VIII**

##### **Public Education**

All state institutions of public education shall promote nondiscrimination in the provision of services and fairness in employment practices.

#### **ARTICLE IX**

##### **Financial Assistance**

Neither race, color, religion, national origin, sex, ancestry, age, sexual orientation, veteran status, disability, nor any other criteria in violation of federal or state discrimination laws shall be considered as a limiting factor in state administered programs involving grants, loans, or other distribution of funds to applicants for benefits authorized by law.

#### **ARTICLE X**

##### **Health Care Service**

All health care facilities licensed by the State of Missouri shall comply with all federal and state laws regarding discrimination in public accommodations including patient admissions and health care services as a condition of continued participation in any state program or eligibility for any form of state assistance or licensing.

#### **ARTICLE XI**

##### **Training and Job Opportunities**

All educational and vocational counseling, apprenticeship, and training programs involving state

participation shall encourage the development of an individual's fullest potential in a nondiscriminatory fashion. Job training programs will be administered without regard to race, color, religion, national origin, sex, ancestry, age, sexual orientation, veteran status, or disability, and shall not engage in any unlawful acts in violation of federal or state discrimination laws.

### **ARTICLE XII**

#### **State Licensing and Regulatory Agencies**

No department, board, commission, or agency shall grant, deny or revoke any license, permit, registration, certification, charter or other regulatory instrument on the basis of race, color, religion, national origin, sex, ancestry, age, sexual orientation, veteran status, or disability, and shall not engage in any unlawful acts in violation of federal or state discrimination laws. Any test administered as a prerequisite to licensure by any board or licensing or regulatory agency shall be designed to preclude any discrimination.

### **ARTICLE XIII**

#### **Employee Organizations**

Employee organizations that exist in whole or in part for the purpose of dealing with employers in the executive branch of state government concerning employee grievances, labor disputes, or terms of employment shall not, on account of race, color, religion, national origin, sex, ancestry, age, sexual orientation, veteran status, or disability:

- Exclude or expel from membership or otherwise discriminate against any individual;
- Limit, segregate, or classify members or applicants for membership in any way which would deprive or tend to deprive any individual of any benefit, advantage, or privilege; or
- Directly or indirectly create any condition which adversely affects the status of any employee.

### **ARTICLE XIV**

#### **Publication and Posting**

Policies, procedures, and communications relating to this Order shall be distributed to all departments. Each department shall make the Workforce Diversity Plan accessible to all of its employees.

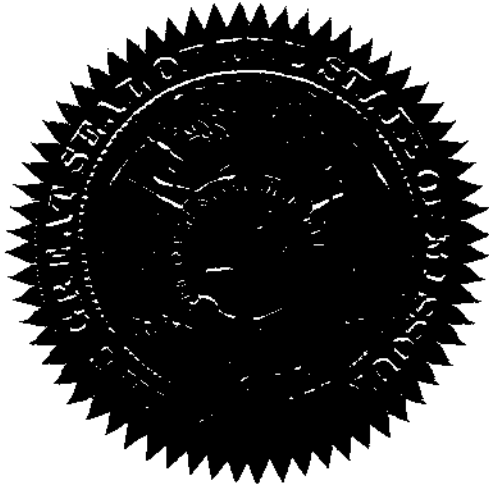
### **ARTICLE XV**

#### **Other Governmental Bodies**

All local governments and instrumentalities of government in Missouri are requested to cooperate with this endeavor to address fair and equal employment opportunities within the state.

### **ARTICLE XVI**

This Order shall take effect immediately and shall supersede paragraph one (1) of Executive Order 05-30.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson, on this 9<sup>th</sup> day of July, 2010.

A handwritten signature in black ink, appearing to read "Jeremiah W. (Jay) Nixon", written over a horizontal line.

Jeremiah W. (Jay) Nixon  
Governor

ATTEST:

A handwritten signature in black ink, appearing to read "Robin Carnahan", written over a horizontal line.

Robin Carnahan  
Secretary of State

**U**nder this heading will appear the text of proposed rules and changes. The notice of proposed rulemaking is required to contain an explanation of any new rule or any change in an existing rule and the reasons therefor. This is set out in the Purpose section with each rule. Also required is a citation to the legal authority to make rules. This appears following the text of the rule, after the word "Authority."

**E**ntirely new rules are printed without any special symbolology under the heading of the proposed rule. If an existing rule is to be amended or rescinded, it will have a heading of proposed amendment or proposed rescission. Rules which are proposed to be amended will have new matter printed in boldface type and matter to be deleted placed in brackets.

**A**n important function of the *Missouri Register* is to solicit and encourage public participation in the rulemaking process. The law provides that for every proposed rule, amendment, or rescission there must be a notice that anyone may comment on the proposed action. This comment may take different forms.

**I**f an agency is required by statute to hold a public hearing before making any new rules, then a Notice of Public Hearing will appear following the text of the rule. Hearing dates must be at least thirty (30) days after publication of the notice in the *Missouri Register*. If no hearing is planned or required, the agency must give a Notice to Submit Comments. This allows anyone to file statements in support of or in opposition to the proposed action with the agency within a specified time, no less than thirty (30) days after publication of the notice in the *Missouri Register*.

**A**n agency may hold a public hearing on a rule even though not required by law to hold one. If an agency allows comments to be received following the hearing date, the close of comments date will be used as the beginning day in the ninety (90)-day-count necessary for the filing of the order of rulemaking.

**I**f an agency decides to hold a public hearing after planning not to, it must withdraw the earlier notice and file a new notice of proposed rulemaking and schedule a hearing for a date not less than thirty (30) days from the date of publication of the new notice.

Proposed Amendment Text Reminder:

**Boldface text indicates new matter.**

*[Bracketed text indicates matter being deleted.]*

**Title 7—DEPARTMENT OF TRANSPORTATION  
Division 10—Missouri Highways and Transportation  
Commission  
Chapter 16—Rest Areas**

**PROPOSED RESCISSION**

**7 CSR 10-16.010 General Information.** This rule provided guidelines to interested persons regarding the placement of publication vending machines on highway rest areas and other Missouri Highways and Transportation Commission property for vending sale or distribution of publications to the public.

*PURPOSE: This rule is being rescinded and new rules adopted in order to more clearly define the Missouri Department of Transportation's procedures for the placement and operation of publication vending machines on interstate highway rest areas.*

*AUTHORITY: section 29 of Art. IV, Mo. Const., sections 226.020,*

*226.150, 226.750–226.790, and 227.030, RSMo Supp. 1995, Title 23, United States Code section III (b), and Title 23, Code of Federal Regulations part 752. Emergency rule filed Jan. 19, 1996, effective Feb. 1, 1996, expired July 29, 1996. Original rule filed Jan. 16, 1996, effective July 30, 1996. Rescinded: Filed July 2, 2010.*

*PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Department of Transportation, Pamela J. Harlan, Secretary to the Commission, PO Box 270, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 7—DEPARTMENT OF TRANSPORTATION  
Division 10—Missouri Highways and Transportation  
Commission  
Chapter 16—Rest Areas**

**PROPOSED RESCISSION**

**7 CSR 10-16.020 Definitions.** This rule provided definitions of terms.

*PURPOSE: This rule is being rescinded and readopted in order to more clearly define the terms used for the Missouri Department of Transportation's procedures for the placement and operation of publication vending machines on interstate highway rest areas.*

*AUTHORITY: section 29 of Art. IV, Mo. Const., sections 226.020, 226.150, 226.750–226.790, and 227.030, RSMo Supp. 1995, Title 23, United States Code section III (b), and Title 23, Code of Federal Regulations part 752. Emergency rule filed Jan. 19, 1996, effective Feb. 1, 1996, expired July 29, 1996. Original rule filed Jan. 16, 1996, effective July 30, 1996. Rescinded: Filed July 2, 2010.*

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**Title 7—DEPARTMENT OF TRANSPORTATION  
Division 10—Missouri Highways and Transportation  
Commission  
Chapter 16—Rest Areas**

**PROPOSED RULE**

**7 CSR 10-16.020 Definitions**

**PURPOSE:** *This rule provides definitions of terms used in 7 CSR 10-16.020 through 7 CSR 10-16.050.*

(1) Definitions. When used in administrative rules 7 CSR 10-16.020 through 7 CSR 10-16.050, the following words and phrases have the meaning set forth in this rule:

(A) "Commission" means the Missouri Highways and Transportation Commission, and where appropriate, its authorized agents and representatives in the Missouri Department of Transportation;

(B) "Licensee" means the Association of Sheltered Workshop Managers, Inc., a not-for-profit Missouri organization, or a successor public agency or private not-for-profit entity which contracts with the commission, if the Association of Sheltered Workshop Managers, Inc. should ever cease to be the licensee at its own election or at the election of the commission;

(C) "License fee" means the fee charged by the commission's licensee to a publisher or the publisher's agent to lease publication vending machine space in a commission publication vending machine bin;

(D) "Newsrack" means any self-service or coin-operated box, container, storage unit, or other dispenser owned, installed, used, and maintained by a publisher for the display, sale, and/or distribution of publications in a rest area;

(E) "Publication" means a newspaper, pamphlet, newsletter, or magazine printed and distributed to convey news and information or other matters of public interest, which may include advertisements;

(F) "Publication vending machine" or "machine" means the individual units owned and installed by the commission in the publication vending machine bin and in which only one (1) publication may be offered for sale;

(G) "Publication vending machine bin" or "bin" means the device owned and installed by the commission, which is capable of holding up to four (4) publication vending machines and is placed at the rest areas in the sole discretion of the commission for the purpose of leasing space to a licensee or a publisher or its agent to sell publications;

(H) "Publisher" means any person who has paid a license fee to the commission's licensee to lease publication vending machine space in commission-owned machines to sell its publication; and

(I) "Rest area" or "rest and recreation area" means a commission roadside facility along a Missouri interstate highway with parking facilities for the rest, safety, or other needs of motorists. This term includes the facilities described in sections 226.750 through 226.790, RSMo, and in Title 23, *United States Code* section 111(b). This term shall also include any facility located in Missouri designated as a welcome center or tourist information center by the commission.

**AUTHORITY:** *section 29 of Art. IV, Mo. Const., sections 226.020, 226.150, 226.750–226.790, and 227.030, RSMo 2000, Title 23, United States Code section 111(b), and Title 23, Code of Federal Regulations part 752. Emergency rule filed Jan. 19, 1996, effective Feb. 1, 1996, expired July 29, 1996. Original rule filed Jan. 16, 1996, effective July 30, 1996. Rescinded and readopted: Filed July 2, 2010.*

**PUBLIC COST:** *This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

**PRIVATE COST:** *This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

**NOTICE TO SUBMIT COMMENTS:** *Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Department of Transportation, Pamela J. Harlan, Secretary to the Commission, PO Box 270, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 7—DEPARTMENT OF TRANSPORTATION  
Division 10—Missouri Highways and Transportation  
Commission  
Chapter 16—Rest Areas**

**PROPOSED RULE**

**7 CSR 10-16.025 Public Information**

**PURPOSE:** *This rule provides guidelines to interested persons regarding the placement and licensing of publication vending machine spaces on interstate highway rest areas for sale or distribution of publications to the public.*

(1) Commission Jurisdiction. Rules 7 CSR 10-16.020 through 7 CSR 10-16.050 shall apply unless the state of Missouri through the Bureau of the Blind of the Division of Family Services decides to exercise its jurisdictional right to regulate and administer the vending of publications as provided in section 8.710, RSMo. Currently the commission has the authority to regulate and administer publication vending operations on rest areas because the Bureau of the Blind has declined to exercise regulation and administration over the vending of publications in such rest areas. However, the commission may not operate any commercial vending machines or other commercial facilities itself in rest and recreation areas, as provided in section 226.790, RSMo.

(2) How to Obtain Information. Information regarding publications vending operations in machines on rest and recreation areas may be obtained in person, or by writing, or phoning the State Maintenance Engineer, Maintenance Division, Missouri Department of Transportation, PO Box 270, 105 W. Capitol Avenue, Jefferson City, MO 65102-0270. The phone number of the division engineer is (573) 751-2785.

**AUTHORITY:** *section 29 of Art. IV, Mo. Const., sections 226.020, 226.150, 226.750–226.790, and 227.030, RSMo 2000, Title 23, United States Code section 111(b), and Title 23, Code of Federal Regulations part 752. Original rule filed July 2, 2010.*

**PUBLIC COST:** *This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

**PRIVATE COST:** *This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

**NOTICE TO SUBMIT COMMENTS:** *Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Department of Transportation, Pamela J. Harlan, Secretary to the Commission, PO Box 270, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 7—DEPARTMENT OF TRANSPORTATION  
Division 10—Missouri Highways and Transportation  
Commission  
Chapter 16—Rest Areas**

**PROPOSED RESCISSION**

**7 CSR 10-16.030 Eligibility Criteria.** This rule provided eligibility criteria for publishers to place their publications in vending machines for sale to the public.

**PURPOSE:** *This rule is being rescinded and new rules adopted in order to more clearly define the terms used for the Missouri*

*Department of Transportation's procedures for the placement and operation of publication vending machines on interstate highway rest areas.*

**AUTHORITY:** section 29 of Art. IV, Mo. Const., sections 226.020, 226.150, 226.750–226.790, and 227.030, RSMo Supp. 1995, Title 23, *United States Code* section III(b), and Title 23, *Code of Federal Regulations* part 752. Emergency rule filed Jan. 19, 1996, effective Feb. 1, 1996, expired July 29, 1996. Original rule filed Jan. 16, 1996, effective July 30, 1996. Rescinded: Filed July 2, 2010.

**PUBLIC COST:** This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Department of Transportation, Pamela J. Harlan, Secretary to the Commission, PO Box 270, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 7—DEPARTMENT OF TRANSPORTATION  
Division 10—Missouri Highways and Transportation  
Commission  
Chapter 16—Rest Areas**

**PROPOSED RULE**

**7 CSR 10-16.035 Commission Responsibilities and Requirements**

**PURPOSE:** This rule provides the commission's responsibilities and requirements for the placement of publication vending machines on interstate highway rest areas for sale or distribution of publications to the public.

**PUBLISHER'S NOTE:** The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

(1) Location of Bins and Machines. In order to ensure the safety of patrons of rest areas, to protect the physical integrity of the rest area building and facilities, and to provide for the general aesthetics of the rest areas, no publication vending machine shall be installed at a rest area except those machines owned and installed by the commission. At each rest area, the commission may provide one (1) publication vending machine bin which may hold up to four (4) individual machines to allow the vending of publications as provided in 7 CSR 10-16.020 through 7 CSR 10-16.050. The commission shall, in its sole discretion, locate and install the bins on the exterior of the rest area buildings and adjacent to the entrance and exit doors of the rest areas. The commission, in its sole discretion, may provide additional bins if the commission determines sufficient room exists within the rest area to accommodate additional bins. No machine shall dispense more than one (1) publication.

(2) Procedures for Noncompliance with Rules.

(A) Prohibitions. A publisher shall not—

1. Install its own newsrack(s);

2. Fail to pay required license fee(s);

3. Damage commission bin(s) and/or machine(s); or

4. Fail to pay the cost of the commission's remedial action(s).

(B) Notice of Violation and Commission Remedial Action. The commission shall take any remedial action it deems necessary and appropriate to address the publisher's noncompliance with 7 CSR 10-16.020 through 7 CSR 10-16.050. Such remedial action shall include, but is not limited to, the following:

1. Seizure of the publisher's newsracks;

2. Revocation of the publisher's authority to participate in the publication vending machine program, removal of all the publisher's publications in any commission machines, and prevention of such publisher from future use of commission machines; and/or

3. Repair of the damaged commission bin(s) and/or machine(s).

(C) Timing and Costs of Remedial Action. The commission may take such remedial action(s) immediately and without prior approval of the publisher. The costs of any remedial actions taken by the commission under 7 CSR 10-16.035(2)(B) shall be paid by the publisher.

(D) Notice of Remedial Action. After the commission takes any remedial action(s) authorized by 7 CSR 10-16.030(2)(B), the commission shall within ten (10) days send written notice to the publisher, either by certified U.S. mail or by electronic mail, stating the alleged violation, the remedial action(s) taken by the commission, and the action(s) the publisher is required to take, including, but not limited to 1) retrieving the noncompliant publisher newsracks and 2) payment of all delinquent license fees and payment of all costs incurred by the commission to carry out the remedial action(s). If the commission is unable to determine the mailing address or electronic mail address of the publisher, it shall make reasonable effort to locate either the mailing address or the electronic address of the publisher in order to send the written notice. In the event the mailing address or electronic mail address cannot be determined in the ten (10) days, notice shall be satisfied by the commission posting a written notice consistent with this 7 CSR 10-16.030(2)(D) in a conspicuous place located at the rest area and on the Missouri Department of Transportation website.

(E) Opportunity for Informal Hearing. If the publisher disagrees with the allegation(s) of noncompliance and the remedial action(s) taken as set forth in the commission's written notice, the publisher shall have thirty (30) days from the date on the notice to request an informal hearing before the department's State Maintenance Engineer, or the State Maintenance Engineer's designee. Such request for an informal hearing shall be addressed to the Commission Secretary, PO Box 270, Jefferson City, MO 65102. Such informal hearing shall be conducted at a date, time, and location as determined by the department's State Maintenance Engineer, or the State Maintenance Engineer's designee. A publisher's failure to request a hearing within the time allowed under this 7 CSR 10-16.035(2)(E), or a publisher's failure to appear at the hearing, will result in the publisher's forfeiture of the opportunity for the informal hearing.

(3) The commission incorporates by reference in this rule the provisions of Title 23, *Code of Federal Regulations* (CFR) Part 752 as published by the United States Government Printing Office, 732 North Capitol Street NW, Washington DC 20401 on April 1, 2009. This rule does not incorporate any subsequent amendments or additions to 23 CFR Part 752.

**AUTHORITY:** section 29 of Art. IV, Mo. Const., sections 226.020, 226.150, 226.750–226.790, and 227.030, RSMo 2000, Title 23, *United States Code* section III(b), and Title 23, *Code of Federal Regulations* part 752. Original rule filed July 2, 2010.

**PUBLIC COST:** This proposed rule will cost state agencies or political subdivisions sixty-five thousand nine hundred sixty dollars (\$65,960) in the aggregate.

*PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Department of Transportation, Pamela J. Harlan, Secretary to the Commission, PO Box 270, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*



**FISCAL NOTE  
PUBLIC ENTITY COST**

**I. RULE NUMBER**

Title: 7 - Department of Transportation

Division: 10 - Missouri Highways and Transportation Commission

Chapter: 16 - Rest Areas

Rule Number and Name:	7 CSR 10-16.035 – Commission Responsibilities and Requirements
Type of Rulemaking:	Proposed Rulemaking

**II. SUMMARY OF FISCAL IMPACT**

Affected Agency or Political Subdivision.	Estimated Cost in the Aggregate.
Missouri Department of Transportation	\$ 65,960

**III. WORKSHEET**

41 newspaper bins x \$1550 per unit (cost per bin) = \$63,500

41 newspaper bins x \$60 per unit for installation (2 hours x \$30 per hour labor cost) = \$2,460

\$63,500 + \$2,460 = \$65,960

**Total Estimated Costs for FY 11**

**\$65,960**

**IV. ASSUMPTIONS**

1. Each newspaper bin is approximately \$1550.
2. Each rest area building will require the installation of at least one bin and some two because of two entrances.
3. Any other costs not identified in this fiscal note are unforeseeable.

**Title 7—DEPARTMENT OF TRANSPORTATION  
Division 10—Missouri Highways and Transportation  
Commission  
Chapter 16—Rest Areas**

**PROPOSED RESCISSION**

**7 CSR 10-16.040 Publication Vending Machine Specifications.**  
This rule provided publication vending machine specifications.

*PURPOSE: This rule is being rescinded and new rules adopted in order to more clearly define the terms used for the Missouri Department of Transportation's procedures for the placement and operation of publication vending machines on interstate highway rest areas.*

*AUTHORITY: section 29 of Art. IV, Mo. Const., sections 226.020, 226.150, 226.750–226.790, and 227.030, RSMo Supp. 1995, Title 23, United States Code section III(b), and Title 23, Code of Federal Regulations part 752. Emergency rule filed Jan. 19, 1996, effective Feb. 1, 1996, expired July 27, 1996. Original rule filed Jan. 16, 1996, effective July 30, 1996. Rescinded: Filed July 2, 2010.*

*PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Department of Transportation, Pamela J. Harlan, Secretary to the Commission, PO Box 270, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 7—DEPARTMENT OF TRANSPORTATION  
Division 10—Missouri Highways and Transportation  
Commission  
Chapter 16—Rest Areas**

**PROPOSED RULE**

**7 CSR 10-16.045 Licensee Responsibilities and Requirements**

*PURPOSE: This rule provides the licensee's responsibilities and requirements for the placement of publication vending machines on interstate highway rest areas for sale or distribution of publications to the public.*

*PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.*

(1) Commission Licensee. The commission may grant to a licensee an exclusive license to authorize publishers to lease machine space. This licensee shall regulate and administer all machines at all Missouri rest and recreation areas in accordance with 1) a contract between the commission and the licensee and 2) 7 CSR 10-16.020 through 7 CSR 10-16.050, either by operating the machines itself or

by executing sub-licensing agreements with the publisher or the publisher's agent which such sub-licensing agreement shall become effective upon execution by both parties. However, that license between the commission and the licensee shall be terminated effective with the date that the Bureau of the Blind assumes regulation and jurisdiction of machines in rest areas, and upon the effective date of that occurrence all sub-licensing agreements between the licensee and a publisher or its agent shall be terminated.

(2) Machine Space Rental. The licensee may lease machine spaces within the bins to such publishers or such publishers' agents and such spaces shall be available only on a first-come, first-served basis. The licensee may maintain a waiting list for interested publishers for whom space in the existing bin is not available.

(3) License Fees Authorized. The licensee shall collect a license fee of twelve dollars (\$12) per year from each publisher or its agent for each machine space in a rest area to cover the administrative and maintenance costs the licensee, or its affiliated organization or agent, shall sustain due to the operation of the machine and the debris the machine will generate. Payment of this license fee to the licensee is a legal condition precedent before a publication may be vended in a rest area machine.

(4) Publication Display Requirements. The visible contents of the publication as displayed in the machine shall not be offensive to members of the general public. The licensee, through its authorized representatives, retains final approval of the manner in which a publication is ultimately displayed for sale or distribution in a machine in a rest area.

(5) Licensee Liability. The licensee shall be liable for damages sustained to the commission's bins, machines, and the contents thereof that is caused by the licensee or its agent(s).

(6) The commission incorporates by reference in this rule the provisions of Title 23, Code of Federal Regulations (CFR) Part 752 as published by the United States Government Printing Office, 732 North Capitol Street NW, Washington DC 20401 on April 1, 2009. This rule does not incorporate any subsequent amendments or additions to 23 CFR Part 752.

*AUTHORITY: section 29 of Art. IV, Mo. Const., sections 226.020, 226.150, 226.750–226.790, and 227.030, RSMo 2000, Title 23, United States Code section III(b), and Title 23, Code of Federal Regulations part 752. Original rule filed July 2, 2010.*

*PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed rule will cost private entities twenty-eight thousand three hundred sixty-eight dollars (\$28,368) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Department of Transportation, Pamela J. Harlan, Secretary to the Commission, PO Box 270, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**FISCAL NOTE  
PRIVATE ENTITY COST**

**I. RULE NUMBER**

Title: 7 - Department of Transportation

Division: 10 - Missouri Highways and Transportation Commission

Chapter: 16 - Rest Areas

Rule Number and Name:	7 CSR 10-16.045 – Licensee Responsibilities and Requirements
Type of Rulemaking:	Proposed Rulemaking

**II. SUMMARY OF FISCAL IMPACT**

Estimate of the Number of Entities by class which would likely be affected by the adoption of the rule:	Classification by types of business entities which would be affected:	Estimated Cost in the Aggregate.
10	Newspaper & travel information companies \$12 annual licensing fee	\$1,968
1	Commission licensee to administer the newspaper vending machine program	\$26,400

**III. WORKSHEET**

The licensee may impose a fee on each publisher or its agent for each vending machine space rented in a rest area, but no more than \$12/year to cover the administrative and maintenance costs the licensee, or its affiliated organization or agent, shall sustain due to the administration of the vending machine licensing system, and the debris the machine will generate.

41 bins x 4 machines x \$12/year = \$1,968

Sheltered Workshop expects to incur costs to administer the program (create and maintain a database and clean up newspaper debris at 41 rest areas at \$2,200/month x 12 months = \$26,400/year.

\$1,968 + \$26,400 = \$28,368

**Total Estimated Costs for FY 11**

**\$28,368**

**IV. ASSUMPTIONS**

1. A \$12/year rate will be charged by the licensee, the total amount of revenue generated is \$1,968.
2. Sheltered Workshop expects to incur \$26,400/year to administer the program.
3. Any other costs not identified in this fiscal note are unforeseeable.

**Title 7—DEPARTMENT OF TRANSPORTATION  
Division 10—Missouri Highways and Transportation  
Commission  
Chapter 16—Rest Areas**

**PROPOSED RULE**

**7 CSR 10-16.050 Publisher Responsibilities and Requirements**

*PURPOSE: This rule provides the publisher's responsibilities and requirements for the sale of publications in publication vending machines in interstate highway rest areas.*

(1) Newsrack Prohibition. No bin or machine shall be installed at a rest area except the bins and machines owned and provided by the commission. If any newsrack is installed at a rest area by a publisher or its agent, such newsrack shall be removed from the rest area and stored by the commission, and all removal and storage costs incurred by the commission shall be borne by the licensee, or the publisher, or its agent.

(2) Coin Mechanism. The coin mechanism for a machine is the responsibility of the licensee, or the publisher or agent who rents the machine space from the licensee.

(3) Duration of Rental Agreement. Each agreement between a licensee and a publisher or the publisher's agent authorizing the rental of one (1) or more machine spaces may be for no less than (1) year in duration. Occupants of any rental space will be evicted from the rental space thirty (30) days after the expiration of the rental agreement unless renewed by agreement prior to the end of the thirty (30) days. Any renewal leases of machine space shall have all license fees paid in full to the licensee by the publisher or its agent from the date of the start of the renewal period. Failure to pay all license fees shall result in the cancellation of the license and assignment of the machine space to the next party on the licensee's waiting list pursuant to a validly executed agreement.

(4) Termination of Sub-licensing Agreement. Both the licensee and the publisher or its agent shall have the right to terminate their sub-licensing agreement, provided no less than thirty (30)-days written notice is given. Upon termination of the sub-licensing agreement, the licensee shall refund to the publisher the portion of the license fee covering the entire term of the agreement paid in advance by the publisher that is equal to one-twelfth (1/12) of the annual license fee for any remaining unused months of the term of the agreement.

(5) Publisher Responsible for Damages to Bins and Machines. The total cost to purchase, install, and improve a bin or machine shall be borne by the commission. The licensee, or the publisher or its agent, shall bear the costs of installing, maintaining, and removing the coin mechanism. The publisher or its agent shall provide the licensee with the key or other device that allows for the removal of the coin mechanism. The publisher shall be responsible for any damage caused by it or its agents to the bin(s) or machine(s) and shall reimburse the commission any costs incurred by the commission in repairing the damage, including the cost of replacement of the bin(s) or machine(s), as determined in the commission's sole discretion.

(6) Restocking of Publications. Each licensee, or a publisher or its agent, shall restock the machines at all rest areas with the current edition of a publication at least as often as the publication is published, weekend or special editions excluded. The licensee, or a publisher or its agent, shall also remove any outdated issue of such publication from within each machine and remove all debris which is not properly placed in rest area trash containers from the rest area grounds.

(7) No Advertisements on Machines. Commission bins and machines

shall have no advertisement displayed.

(8) Notice Requirements. On a prominent place on each machine, the licensee, or a publisher or its agent, shall affix and display the following notice, "For Information Regarding Any Problems With Your Use of This Machine Call \_\_\_\_-\_\_\_\_-\_\_\_\_, or write \_\_\_\_\_. The notice shall provide the appropriate telephone number (with area code) and the mailing address of a contact person or agent for the licensee, or a publisher or its agent, for refund requests or other vending problems. Such notice shall be created by the licensee, and if applicable to a publisher, shall be based on information supplied by the publisher or its agent.

(9) Publisher Liability. Each publisher and its agents shall be liable for damage sustained to the commission's bins, machines, and the contents thereof that is caused by the publisher or its agents.

*AUTHORITY: section 29 of Art. IV, Mo. Const., sections 226.020, 226.150, 226.750-226.790, and 227.030, RSMo 2000, Title 23, United States Code section 111(b), and Title 23, Code of Federal Regulations part 752. Original rule filed July 2, 2010.*

*PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Department of Transportation, Pamela J. Harlan, Secretary to the Commission, PO Box 270, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 18—PUBLIC DEFENDER COMMISSION  
Division 10—Office of State Public Defender  
Chapter 2—Definition of Eligible Cases**

**PROPOSED AMENDMENT**

**18 CSR 10-2.010 Definition of Eligible Cases.** The commission is amending sections (2) and (3) by removing reference to private counsel. The commission is amending section (2) to eliminate from eligibility defendants who have or who have attempted to waive counsel and where the court appoints or attempts to appoint the public defender as standby or hybrid counsel. The commission is amending section (3) by deleting subsection (B).

*PURPOSE: The Missouri Supreme Court, in STATE ex rel. MISSOURI PUBLIC DEFENDER COMMISSION, J. MARTY ROBINSON, AND WAYNE WILLIAMS, Relators, v. THE HONORABLE KENNETH W. PRATTE, Respondent, 298 S.W.3d 870 (Mo banc 2009), struck down certain provisions of the rule that permitted the public defender to deny representation to defendants who at anytime during the pendency of their cases retained private counsel. The court invalidated sections 18 CSR 10-2.010(2) and (3). The commission is amending sections (2) and (3) by removing reference to private counsel. The commission is amending section (2) to eliminate from eligibility defendants who waive counsel and where the court appoints or attempts to appoint the public defender as standby or hybrid counsel. The commission is amending section (3) by deleting subsections (A) and (B) and by submitting a new definitions section (3)(A)1.*

(2) *[The State Public Defender System shall not represent indigent defendants who have at any time during the pendency of the case retained private counsel. The public defender shall not be available to assume representation where private counsel is allowed by court order to withdraw from representation regardless of the cause for such order of withdrawal unless approved by the director. In certain circumstances, as determined by the director, the State Public Defender System shall provide state assistance in paying for reasonable expert witnesses or investigation expenses for indigent defendants represented by private counsel. This regulation, in whole or part, does not restrict the Missouri State Public Defender System from exercising its authority to contract cases to private counsel as provided by law.]* **Employees of the State Public Defender System shall not serve as hybrid, standby, or advisory counsel in any matter.**

(3) *[Definition of Case.*

*(A) For purposes of determining eligibility under section (2), the term "case" shall be defined as a criminal proceeding, matter, action, or appeal in which private counsel has been retained, and shall include the time from the initial retention of private counsel through sentencing, final judgment, or completion of the direct appeal.*

*(B) Where the state enters a nolle prosequi for any reason, and later refiles the same charge(s), or any charge(s) based on the same set of operative facts as the original charge(s), the refiled proceeding, matter or action shall constitute the same "case" as the prior proceeding, and the public defender shall not provide representation in the refiled proceeding, matter or action.]* **Definition of Standby, Hybrid, and Advisory Counsel.**

**(A) For purposes of determining eligibility under this section—**

**1. The terms "standby," "hybrid," and "advisory counsel" are defined as attorneys who are appointed by the court to consult with or assist a defendant, appellant, or movant in the preparation or presentation of evidence or legal argument in any court or tribunal where that defendant, appellant, or movant has waived the right to counsel or asserted his right to full or partial self-representation.**

*AUTHORITY: sections 600.017(10) and 600.043, RSMo 2000 and sections 600.042.1(8) and 600.042.3, RSMo Supp. [2007] 2009. Original rule filed Jan. 9, 1985, effective April 11, 1985. Amended: Filed Feb. 14, 2002, effective Aug. 30, 2002. Amended: Filed Dec. 27, 2007, effective July 30, 2008. Amended: Filed July 8, 2010.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with: Daniel Gralike, Office of the State Public Defender, 1000 West Nifong, Woodrail State Office Building, Bldg. #7, Columbia, Missouri 65201. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

**T**his section will contain the final text of the rules proposed by agencies. The order of rulemaking is required to contain a citation to the legal authority upon which the order of rulemaking is based; reference to the date and page or pages where the notice of proposed rulemaking was published in the *Missouri Register*; an explanation of any change between the text of the rule as contained in the notice of proposed rulemaking and the text of the rule as finally adopted, together with the reason for any such change; and the full text of any section or subsection of the rule as adopted which has been changed from that contained in the notice of proposed rulemaking. The effective date of the rule shall be not less than thirty (30) days after the date of publication of the revision to the *Code of State Regulations*.

**T**he agency is also required to make a brief summary of the general nature and extent of comments submitted in support of or opposition to the proposed rule and a concise summary of the testimony presented at the hearing, if any, held in connection with the rulemaking, together with a concise summary of the agency's findings with respect to the merits of any such testimony or comments which are opposed in whole or in part to the proposed rule. The ninety (90)-day period during which an agency shall file its order of rulemaking for publication in the *Missouri Register* begins either: 1) after the hearing on the proposed rulemaking is held; or 2) at the end of the time for submission of comments to the agency. During this period, the agency shall file with the secretary of state the order of rulemaking, either putting the proposed rule into effect, with or without further changes, or withdrawing the proposed rule.

**Title 3—DEPARTMENT OF CONSERVATION  
Division 10—Conservation Commission  
Chapter 7—Wildlife Code: Hunting: Seasons, Methods,  
Limits**

**ORDER OF RULEMAKING**

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

**3 CSR 10-7.410 Hunting Methods is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 1, 2010 (35 MoReg 857). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 3—DEPARTMENT OF CONSERVATION  
Division 10—Conservation Commission  
Chapter 7—Wildlife Code: Hunting: Seasons, Methods,  
Limits**

**ORDER OF RULEMAKING**

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

**3 CSR 10-7.431 Deer Hunting Seasons: General Provisions  
is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 1, 2010 (35 MoReg 857). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 3—DEPARTMENT OF CONSERVATION  
Division 10—Conservation Commission  
Chapter 7—Wildlife Code: Hunting: Seasons, Methods,  
Limits**

**ORDER OF RULEMAKING**

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

**3 CSR 10-7.440 is amended.**

This rule establishes hunting seasons and limits and is excepted by section 536.021, RSMo, from the requirement for filing as a proposed amendment.

The Department of Conservation amended 3 CSR 10-7.440 by establishing seasons and limits for hunting migratory game birds and waterfowl during the 2010 season.

**3 CSR 10-7.440 Migratory Game Birds and Waterfowl: Seasons,  
Limits**

*PURPOSE: This amendment establishes season dates and bag limits for hunting migratory game birds and waterfowl within frameworks established by the U.S. Fish and Wildlife Service for the 2010 season.*

(3) Seasons and limits are as follows:

(A) Mourning doves, Eurasian collared-doves, and white-winged doves may be taken from one-half (1/2) hour before sunrise to sunset from September 1 through November 9. Limits: fifteen (15) doves daily in the aggregate; thirty (30) in possession.

(B) Sora and Virginia rails may be taken from one-half (1/2) hour before sunrise to sunset from September 1 through November 9. Limits: twenty-five (25) rails in the aggregate daily or in possession.

(C) Woodcock may be taken from one-half (1/2) hour before sunrise to sunset from October 15 through November 28. Limits: three (3) woodcock daily; six (6) in possession.

(D) Wilson's snipe may be taken from one-half (1/2) hour before sunrise to sunset from September 1 through December 16. Limits: eight (8) snipe daily; sixteen (16) in possession.

(E) Blue-winged, green-winged, and cinnamon teal may be taken from sunrise to sunset from September 11 through September 26. Limits: four (4) teal in the aggregate of species daily; eight (8) in possession.

SUMMARY OF PUBLIC COMMENTS: Seasons and limits are excepted from the requirement of filing as a proposed amendment under section 536.021, RSMo.

This amendment filed July 13, 2010, effective **August 1, 2010**.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 240—Public Service Commission  
Chapter 3—Filing and Reporting Requirements**

**ORDER OF RULEMAKING**

By the authority vested in the Public Service Commission under section 393.1030, RSMo Supp. 2009 and sections 386.040 and 386.250, RSMo 2000, the commission adopts a rule as follows:

**4 CSR 240-3.156 Electric Utility Renewable Energy Standard  
Filing Requirements is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on February 16, 2010 (35 MoReg 365). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** A public hearing on this proposed rule was held on April 6, 2010, in conjunction with the hearing for the proposed rule in 4 CSR 240-20.100. Numerous comments relating to the other rule were received, but no comments were received relating specifically to this rule.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 240—Public Service Commission  
Chapter 20—Electric Utilities**

**ORDER OF RULEMAKING**

By the authority vested in the Public Service Commission under section 393.1030, RSMo Supp. 2009, and sections 386.040 and 386.250, RSMo 2000, the commission adopts a rule as follows:

**4 CSR 240-20.100 is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on February 16, 2010 (35 MoReg 365–389). Those sections and subsections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** A public hearing on this proposed rule was held April 6, 2010, and the public comment period ended April 5, 2010. The commission received two hundred sixty-seven (267) written comments. At the public hearing, twenty-nine (29) witnesses testified. All of the comments were generally in support of a rule to implement the renewable energy standards, but many had suggestions for specific changes to the proposed rule.

**COMMENT #1:** The commission received two hundred sixty-seven (267) written comments and twenty-nine (29) people testified at the hearing. Comments from three (3) citizens in northwest Missouri indicated that the wind farms in that area have had a positive impact on the citizens in that area and on the state and local economies. Two hundred thirty-six (236) written comments were received from members of the Union of Concerned Scientists (UCS). BP Wind Energy NABP NA, Inc., enXco, Inc., Gamesa Energy USA, Iberdrola Renewables, Inc., Invenergy LLC, NextEra Energy Resources LLC, TradeWind Energy LLC, and Wind Capital Group, LLC, (collectively referred to as the “Wind Alliance”) filed joint comments and testified at the hearing through their counsel, Kristine A. Heisinger.

Many of those written comments and most of the testimony stated general support for the rule and stated that the rule would not only promote renewable energy generation in Missouri, but would also aid economic development by creating jobs in the renewable energy industry. Many of the comments, as addressed below, requested changes to specific provisions of the rule.

**RESPONSE:** The commission appreciates the overwhelming participation from citizens, utilities, public entities, commission staff, and other interested parties in the development of this rule. The commission began this rulemaking process with workshops in a related docket, EW-2009-0324, during the course of which, various stakeholders participated in helping to formulate the language of this rule. Of course, not all positions were accepted for the proposed rule and the comments reflect the various stakeholder positions. No changes resulted from the comments generally in support of the rule. The specific comments are addressed below.

**COMMENT #2:** General changes to section (1): The staff of the commission’s written comments stated that subsections (1)(A), (1)(B), and (1)(C) are not in alphabetical order. Staff also recommended that language in paragraph (1)(D)4. be deleted because it replicates the language in the net metering rule, 4 CSR 240-20.065(1)(C)6., which governs the technical aspects of interconnection with an electric utility. Kansas City Power & Light Company and KCP&L Greater Missouri Operations Company (collectively, KCPL) commented that the definition of customer-generator should include a mechanism for disabling the generating unit. Jill Tietjen also commented about a typographical error in the title of a publication cited. **RESPONSE AND EXPLANATION OF CHANGE:** The commission agrees with the comments of KCPL and staff. The commission will make the suggested changes except that it will make a reference to both 4 CSR 240-20.065(1)(C)6. and 4 CSR 240-20.065(1)(C)7. of the net metering rule and then delete paragraph (1)(D)5. of the proposed rule because it is no longer needed. In addition, the following changes to section (1) are made: existing subsection (1)(C) becomes subsection (1)(A) and the remaining subsections are re-lettered accordingly. Because the definition was deleted, no additional changes are needed in response to Ms. Tietjen’s comment.

**COMMENT #3:** Subsection (1)(D): Staff and Dane Glueck, in his capacity as president of StraightUp Solar and as president of Missouri Solar Energy Industries Association (MOSEIA), each recommended changing the definition in subsection (1)(D) to recognize alternative ownership situations for customer-generators. The proposed change adds “lessee” to the definition of “customer-generators.” In addition, staff, Leland Jason Parker as the owner of Certified Solar Solutions, and MOSEIA recommended adding the words “or leased” to section (4). Gillies Werner, president of Tech Power Systems, also commented that the current language might prevent any third-party ownership or lease agreements and prevent purchased power agreements. Claudia Eyzaguirre on behalf of Vote Solar Initiative also recommended allowing third-party ownership. Ms. Eyzaguirre stated that third-party purchased power agreements might be used as a type of financing for commercial owners to overcome the up-front costs of installing solar energy generation. Mr. Parker and Mr. Vaughn Prost, C.E.O. of Missouri Solar Applications, LLC, supported the changes to the definition recommended by MOSEIA. Mr. Parker also testified that the words “the party” should be deleted from paragraph (1)(D)2.

Jennifer Elam on behalf of US Solar Distributing commented that the definition should not be expanded to allow third-party leasing programs unless the systems are one hundred kilowatts (100 kW) or greater. Ms. Elam also commented that paragraph (1)(D)2. also should not allow third-party ownership through a lease or purchase power agreement. Ms. Elam stated that her experience in other states is that this will open up the market to national competition too early and will not allow the local installers to become established in the market.

**RESPONSE AND EXPLANATION OF CHANGE:** The commission agrees with the majority of the comments that the definition of “customer-generator” should be expanded to allow alternative ownership arrangements. This will allow the most participation and support the generation of renewable energy in Missouri. Therefore, the commission shall add “lessee” to subsection (1)(D), and also will add the words “or leased” to section (4). The commission disagrees with Ms. Elam that including third parties in this manner will open up the market too quickly. The commission also disagrees that the words “the party” should be removed. The commission determines that the requirement for the electric generating unit to be located on the account holder’s property should remain. Thus, there is a connection between the generation unit and the account holder as referred to in subsection 393.1030.3, RSMo. The commission makes no additional changes as the result of these comments.

**COMMENT #4:** Subsection (1)(J): Jeff Deyette, Assistant Director, Energy Research and Analysis for the Union of Concerned Scientists, recommended that the commission define additional attributes of a renewable energy credit (REC). Mr. Deyette suggested including: the location of the generator; the vintage of the generator determined by when it was first operational; and possibly the emissions produced or avoided by the generator to prepare for federal cap-and-trade legislation. No specific language was recommended.

**RESPONSE:** At this time, preparing for federal energy legislation such as “cap-and-trade” is not practical. Any number of regulations on the federal level may affect this rule. In addition, because the commission is requiring the use of its designated tracking system as explained elsewhere in these comments, additional items will be recorded through that system and need not be duplicated here. The commission made no changes as a result of this comment.

**COMMENT #5:** Section (1)(K): Bernard Waxman commented that the commission should only allow solar, wind, and biomass as part of the renewable energy counted. Mr. Waxman wants the rule to state that no nuclear or fossil fuels are counted as part of the renewable energy standard (RES). Henry Rentz testified that animal waste may be added to the definition of renewable resources in this legislative session.

**RESPONSE:** The commission defined renewable energy resources to mean the same as the definition as set out currently in section 392.1025, RSMo. Thus the commission made no change as a result of these comments.

**COMMENT #6:** Edits to subsection (1)(K): Mr. Parker recommended a comma be deleted in paragraph (1)(K)2., and that the word “one (1)” should be changed to “any” in paragraph (1)(K)9.

**RESPONSE AND EXPLANATION OF CHANGE:** Instead of deleting the comma in paragraph (1)(K)2. as Mr. Parker suggests, the commission will leave the comma and insert the word “photovoltaic” (PV) prior to the word “panels” to clarify that this is a list of items. The commission will also make the other change that Mr. Parker recommended in paragraph (1)(K)9.

**COMMENT #7:** Subsection (1)(M): Public counsel recommended that the definition in subsection (1)(M) be amended to delete the word “periodic” and add the words “no more than once per calendar year.”

**RESPONSE:** The restriction that public counsel is seeking is already included in the RES rate adjustment mechanism (RESRAM) portion of the rule at paragraph (6)(A)8. Because paragraph (6)(A)8. also contains a reference to an exception to the once-per-year rule, the commission determines that public counsel’s change would make the rule less clear. The commission will make no change as a result of this comment.

**COMMENT #8:** Subsection (1)(N): Empire District Electric Company (Empire) commented that as a result of the RES, Empire

will lose revenue it receives from National Voluntary Renewable Energy Certificate sales. Empire requests that the commission include a provision which includes revenue losses that are directly attributable to compliance with the RES in the definition of RES compliance costs.

Mr. Parker commented that Empire will not lose any revenue as a result of the RES. He reasoned that Empire may continue to sell those renewable energy credits (RECs) or it may choose to count them toward compliance, whichever makes the best business sense.

**RESPONSE:** There are many factors that will affect the level of REC revenue a utility can collect on a going-forward basis, so any effort to quantify the specific impact of the RES rule on such revenue levels in isolation is speculative. Further, the commission traditionally does not recognize “lost revenues” as a component of an “extraordinary cost” eligible for recovery in rates by energy utilities outside of a general rate case or outside of the test year. For example, the commission has generally allowed electric utilities the opportunity to defer, and subsequently recover, in rates the cost of extraordinary and material storm outages. But the commission has not allowed companies to claim lost revenues (from when their customers were out of service as a result of the outage) as a component of their extraordinary losses for subsequent rate recovery purposes. Thus, the commission will not include a provision as Empire has suggested. The commission makes no change as a result of this comment.

**COMMENT #9:** Subsection (1)(P): Public counsel recommended adding clarifying language to the end of paragraphs (1)(P)1. and (1)(P)2.

**RESPONSE AND EXPLANATION OF CHANGE:** The commission agrees that the definition should be clarified so that it includes the other types of proceedings in which an RESRAM is determined. Thus, the commission adds the words “continued, modified, or discontinued” to the end of paragraphs (1)(P)1. and (1)(P)2.

**COMMENT #10:** Subsection (1)(Q): KCPL suggested adding the word “electric” to this subsection to clarify that these solar thermal sources do not include solar water heating. Mr. Parker recommended deleting the comma after “cells.”

**RESPONSE AND EXPLANATION OF CHANGE:** The KCPL recommendation is not needed since the existing language already requires the “generation of *electric* energy.” Thus, no change is made as the result of that comment. In response to Mr. Parker’s comment, the commission determines that this is a list of items and, therefore, the comma should remain. To add clarity to the list, however, the commission will insert the word “photovoltaic” before the word “panels.”

**COMMENT #11:** Subsection (1)(R): Commissioner Terry Jarrett commented that the definition of staff be rewritten to exclude those who are not part of the “staff” of the commission.

**RESPONSE AND EXPLANATION OF CHANGE:** The commission agrees with Commissioner Jarrett’s definition and will adopt it. In addition, the commission will exclude the general counsel for the commission from the definition. Thus, the commission changes the definition in subsection (1)(R).

**COMMENT #12:** General changes to section (2): KCPL recommended that the rule be considered as a baseline for renewable energy investment and should not prohibit additional, prudent investment in renewable energy generation. KCPL suggested additional language to add to section (2) to clarify this point. Missouri Energy Development Association (MEDA) and Union Electric Company, d/b/a AmerenUE (Ameren) also supported this comment. Public counsel testified that the concept was a good one, but suggested a slight change so that instead of “or the prudent implementation of . . .” the text would read “and are consistent with the prudent implementation of . . .” MEDA also commented that the rule should not preclude an REC from counting toward compliance with the RES even if that facility was not built specifically to comply with RES rule requirements.



**RESPONSE AND EXPLANATION OF CHANGE:** The commission agrees that the rule should not limit the prudent implementation of renewable energy generation in excess of the RES. Thus, the commission will add the language for clarity. The commission will also adopt the change suggested by the public counsel. In addition, the commission finds nothing in the proposed rule which would preclude an REC from counting toward compliance with the RES. Therefore, no additional change is made as a result of MEDA's comment.

**COMMENT #13:** Changes to subsections (2)(A) and (2)(B) regarding geographic sourcing and bundling: Staff filed written comments suggesting the commission modify section (2) by removing any restrictions on the source of RECs utilized for compliance with this rule. Staff stated that subsection 393.1030.1, RSMo, does not place any geographic restrictions on the source of the RECs nor does it require the RECs to be specifically associated with energy sold to Missouri customers. Staff also notes that the final sentence of subsection 393.1030.1, RSMo, explicitly gives an incentive for in-state generation but does not limit energy or RECs to the geographic boundaries of Missouri. Michael Taylor on behalf of staff also testified that as a practical matter a limitation to the contiguous forty-eight (48) states or the North American continent was probably more reasonable.

MEDA, Ameren, and KCPL each suggested revising subsections (2)(A) and (2)(B) to unbundle the sale of electricity from the renewable energy resources. MEDA and KCPL argued that bundling the REC with the electricity is not consistent with national energy policy trends and provided information showing how other states handle this issue. MEDA, Ameren, and KCPL also stated that bundling the REC and the electricity will drive up the average cost of the delivered renewable energy and will be a less flexible approach for the companies. MEDA, Ameren, and KCPL suggested that a more reasonable geographic restriction is to require RECs to be sourced within the Regional Transmission Organizations (RTOs) that the Missouri electric service providers operate within or within a reasonable distance from Missouri.

Empire commented that it is impossible to tell which electrons are delivered to which customers, thus making section (2) unenforceable as written. Empire suggests modifying subsection (2)(A) to allow a company to count its Missouri-jurisdictional portion of electrical energy generated by renewable resources that is delivered to the bulk power grid toward the utility's RES requirements. In addition, Empire comments that because of the consolidation of balancing authority in the Midwest Independent Transmission System Operator (MISO) region, and possibly in the Southwest Power Pool (SPP) region, any renewable energy generator located within a regional transmission operator (RTO) or independent system operator (ISO) region in which a Missouri investor-owned utility is a member should be considered to be an eligible resource for RECs.

Public counsel's written comments were generally in favor of the rule as written; however, Ryan Kind testified that public counsel would also support limiting the geographic area to the SPP and MISO areas.

The Missouri Industrial Energy Consumers (MIEC) commented that there is no basis in the law for restricting the use of renewable resources located outside of Missouri. MIEC stated that the way the rule is currently written increases the costs to comply. MIEC expressed that the economic interests of in-state developers should not take precedent over the interests of electric customers in least-cost renewable resources.

With regard to providing proof that electricity was sold to Missouri customers, Renew Missouri recommends that the rule "provide for a contract path or transmission path as a means for tracking renewable energy." Mr. P. J. Wilson also testified that he was opposed to an RTO/ISO footprint for geographic sourcing of RECs. He stated that this would allow RECs to be purchased from as far away as Texas and Canada. He also cautioned that the footprint of these organizations could change which could be problematic.

MOSEIA is generally supportive of the rule as written, but suggests language that would define "energy delivered" or "energy sold" to Missouri customers as energy on distribution lines serving primarily Missouri customers. MOSEIA suggests that this will encourage the renewable energy to be produced within or near Missouri and believes this was the intent of Proposition C. Mr. Bob Solger the owner of, and Carla Klein on behalf of, the Energy Savings Store; Jeff Lewis, president of MidAmerica Solar LLC; Mr. Glueck; Mr. Prost; Mr. Werner; Zeke Fairbank of the Alternative Energy Company; Mr. Parker; Ms. Elam; Arthur Caido; and numerous other commenters supported the comments of MOSEIA. In addition, Ms. Elam and Mr. Werner commented that the purpose of Proposition C was to grow sustainable Missouri jobs, and for that reason this provision should not be changed. Mr. Caido stated that he was waiting for these rules to be finalized in order to get back into the solar installation business after being out of the business for some time. He also believes that many homeowners are waiting to install systems until after the rules are in place. Ms. Klein testified that the solar rebate had already started to grow business in Kansas City and St. Louis. Ms. Klein also testified that keeping the energy produced in Missouri could help the three (3) major metropolitan areas in the state to meet there federal air quality standards.

Vote Solar commented that the geographic sourcing provisions will bring the associated benefits of solar energy such as reducing strain on the electrical grid, avoiding line losses, ensuring stable energy prices, providing cleaner air, and bringing much needed new jobs and economic growth to the state of Missouri.

Barbara O'Neill on behalf of enXco commented that developing PV sites within Missouri will solidify the state as a PV-installation leader. She further believed that Proposition C requires that the electricity and S-RECs be deliverable to Missouri customers. Even if the requirement does not remain, with the Missouri preference her company will be able to provide S-RECs more economically than out-of-state resources. Ms. O'Neill stated that S-REC markets are currently actively trading S-RECs from two hundred twenty-five dollars (\$225) in Delaware to six hundred sixty-five dollars (\$665) in New Jersey (citing the website [www.sretrade.com](http://www.sretrade.com)). Ms. O'Neill also commented as to other benefits of building solar generation in the state of Missouri.

Ms. Heisinger, on behalf of the Wind Alliance, made comments in support of the current geographic sourcing language stating that this was the intent of the voters in Proposition C. The Wind Alliance argued that the current geographic sourcing language is what is mandated by the statute when it uses the words "sold to Missouri consumers." The Wind Alliance commented that to interpret those words as applying to the calculation of the portfolio percentages would render the words "each electric utility's sales" meaningless and redundant, and would be contrary to the rules of statutory construction. The Wind Alliance also argued that looking to the intent of the law-maker, in this instance the voters of the state of Missouri, is the primary rule of statutory construction, citing to *Missourians for Honest Elections v. Missouri Elections Comm'n*, 536 S.W.2d 766, 775 (Mo. App. 1976). Ms. Heisinger stated that she drafted this provision and it was not meant to preclude unbundling of RECs. She further stated that the commission could limit the geographic source of the electricity while unbundling the REC from the electricity.

The Wind Alliance also commented that compliance with the current geographic sourcing requirement is not burdensome and does not require "tracking electrons." The Wind Alliance provided information showing that numerous other states require an in-state or in-region sourcing of renewable energy. The final comment from the Wind Alliance on geographic sourcing is that the proposed rule does not violate the Commerce Clause.

The Missouri Laborers' Legislative Committee commented that it supports the voters' intent to have renewable energy delivered to Missouri utility customers and to support the development of new industry in the state.

**RESPONSE:** The voters' approval of Proposition C in November

2008 resulted in subsection 393.1030.1, RSMo. That subsection directs the commission to “prescribe by rule a portfolio requirement for all electric utilities to generate or purchase electricity generated from renewable energy resources.” In addition, the statute states that, “[t]he portfolio requirements shall apply to all power sold to Missouri consumers whether such power is self-generated or purchased from another source in or outside of this state. A utility may comply with the standard in whole or in part by purchasing RECs. Each kilowatt-hour of eligible energy generated in Missouri shall count as 1.25 kilowatt-hours for purposes of compliance.”

The provision in the statute providing that “[a] utility may comply with the [portfolio] standard in whole or in part by purchasing RECs,” read in isolation, does not require delivery of electricity into Missouri. Presumably, a utility could purchase an REC from a producer in another state that delivered renewable energy in that state, assuming the REC associated with that energy was not utilized under another state’s portfolio standards. But every word, clause, and sentence in the statute should be given effect and harmonized. Subsection 393.1030.1, RSMo, also requires that the portfolio requirements apply to the utility’s “sales” and to “all power sold to Missouri consumers whether the power is self-generated or purchased from a source in or outside of this state.”

One (1) objective of the statute is clearly to encourage sales of renewable energy to Missouri customers whether the electricity is produced in Missouri or not. Another objective is to favor Missouri generation; each kilowatt-hour of energy generated in Missouri counts as one and twenty-five one-hundredths kilowatt-hours (1.25 kWh) for purposes of compliance. (Subsection 393.1030.1, RSMo.) Given the statute’s objective of encouraging the sale of renewable energy from any source to Missouri customers, and the preference for Missouri generation, it is not unreasonable or inconsistent with the statute that the rule defines an REC as representing Missouri generation or Missouri delivery. The only type of REC that is restricted by the proposed rule is where the renewable energy is generated outside of Missouri and delivered outside of Missouri. Under the rule, such an REC will not qualify to satisfy the portfolio standards. Since RECs are defined by the statute simply as one megawatt-hour (1 MWh) generated from a renewable energy source, and the statute itself encourages Missouri generation and delivery to Missouri, the rule as proposed is a reasonable implementation of the objectives of the statute.

Consistent with the statute, a utility can still comply with the portfolio requirements by purchasing RECs. But valid RECs exclude those arising from generation coupled with delivery outside Missouri. The market for RECs may be restricted but that is not inconsistent with the view of the market for RECs taken by the Federal Energy Regulatory Commission (FERC) and other states.

Missouri voters passed a statute which specified that a renewable portfolio standard would apply to power sold to Missouri customers whether generated inside the state or outside. They did that because they wanted cleaner energy delivered to their homes and they wanted the economic advantages renewable energy generation will bring to the state. In order to achieve these goals, it is necessary to develop an in-state renewable energy industry. This rule recognizes that fact and sets its geographic sourcing in order to encourage and develop a wide-range of renewable energy resources in the state in conjunction with the requirements of the statute. Therefore, the commission makes no changes as a result of these comments.

**COMMENT #14:** New paragraph (2)(B)3.: Staff commented that paragraph (2)(B)2. should be modified to ensure that customer-generated RECs will qualify for Missouri RES compliance regardless of the net amount of energy provided to the electric utility. Staff recommended language to add to the existing paragraph.

**RESPONSE AND EXPLANATION OF CHANGE:** The commission agrees with the comment of staff. This change will allow and encourage electric utility customers to generate their own electricity through renewable methods and it will also give the utilities the ben-

efit of those customer-generated RECs. The commission will add the language as a new paragraph (2)(B)3., with one (1) slight modification to make clear that the utility must purchase the REC for it to be counted.

**COMMENT #15:** Changes to subsection (2)(G): Staff, MEDA, KCPL, Ameren, and Empire each suggested deleting subsection (2)(G). Staff explained that 4 CSR 240-20.015, Affiliate Transactions, addresses many of the same items in subsection (2)(G), making it redundant. The utilities also expressed concerns that requiring an independent auditor in this part of the rule is not only duplicative, but will be more costly and discourage the utilities from owning renewable generation. Mr. P. J. Wilson testified that the requirement for an independent auditor was put in the rule in order to avoid the same mistakes made by other states. Mr. Parker suggested a grammatical change.

**RESPONSE AND EXPLANATION OF CHANGE:** The commission agrees that the provisions of subsection (2)(G) are mostly redundant with the current affiliate transactions rule. Thus, the commission will delete a majority of the text of subsection (2)(G), but it will insert a reference to the affiliate transactions rule. Because the commission is deleting the text, no additional change is necessary in response to the grammatical suggestion.

**COMMENT #16:** Commission-designated tracking system: Staff proposed deleting subsection (3)(F) and revising subsection (3)(G) to require that utilities use the commission-designated tracking system. Staff stated that this change will enhance the integrity and verification of REC tracking and REC retirement for compliance purposes. Staff stated that if the commission makes the change as suggested, a change to paragraph (2)(B)1. is also necessary.

The Union of Concerned Scientists (UCS) supported having a designated tracking system to track and verify RECs. The UCS also commented that the commission should remove the option of validation of an REC by a “generator’s attestation” from subsection (1)(J). UCS recommended the commission name the selected tracking system in the rule.

MEDA and Ameren requested revision of the rule so that a third-party tracking system is optional. The UCS argued that a mandatory system increases costs for compliance and creates a substantial burden. KCPL also recommended making the commission-designated third-party tracking system discretionary instead of mandatory. In addition, KCPL recommended changes to subsections (1)(J), (3)(A), and (3)(G) and subparagraph (7)(A)1.I. to implement its suggested rule change.

**RESPONSE AND EXPLANATION OF CHANGE:** The statutory language of subsection 393.1030.2, RSMo, requires that the commission “select a program for tracking and verifying the trading of renewable energy credits.” The statute also directs the commission to establish a rule that allows for recovery of the electric utilities’ “prudently incurred costs.” Thus, the statute is clear that the preference is for the commission’s designated tracking system. But because the major goal of the statute is to increase the amount of renewable energy in the state of Missouri, and the companies have stated that a mandatory system will increase the cost of that energy, the commission will add a caveat to the mandatory tracking system. The commission will provide the option of showing good cause to use a different system for tracking and verification.

The commission will, therefore, delete subsection (3)(F). The commission will also delete the words “or other equivalent electronic mechanism” and the last sentence from subsection (3)(G). In addition, the commission will add the words “unless otherwise ordered for good cause shown” to create an option for a company to request a variance from this provision for good cause. The commission will also re-letter the remaining subsections. The commission will change the reference to subsection (3)(H) to subsection (3)(G) in paragraph (2)(B)1., and the commission will make other section and subsection reference changes as necessitated by the re-lettering. Also, because

the current language of subsection (11)(C) could be interpreted as conflicting with the ability to grant a variance or waiver from new subsection (3)(F), and for reasons stated elsewhere in response to staff comments, the commission will delete subsection (11)(C).

The commission will also make changes to subsection (1)(J) to include the commission-designated tracking system as a method to validate an REC as recommended by KCPL. The commission will also make the change to subsection (3)(A) recommended by KCPL except that the commission's designated tracking system will be mandatory, not discretionary.

The commission will not make KCPL's suggested change to subparagraph (7)(A)1.I. because to do so would appear to make the commission-designated tracking system discretionary. All RECs should go through the tracking system, even if they are purchased from small generators unless a waiver has been granted by the commission.

The commission will not delete the "generator's attestation" as an option from subsection (1)(J) as recommended by the UCS because the certification of the REC and the required use of the commission-approved tracking system are two (2) separate but related activities. Certification through the tracking system will be sufficient for the overwhelming majority of RECs which are straight-forward. But there may be a few unique RECs that will require a different form of documentation.

Also, the commission will not name the selected tracking system in the rule because the vendor was chosen through a request for proposal (RFP) process as required for state agencies. Because the current vendor could change, it is not appropriate to codify the specific vendor in a state regulation, thus binding the commission to use that vendor until the rule can be changed.

COMMENT #17: General comments to section (3): KCPL supported the provisions of subsection (3)(B) because accounting for RECs only on a yearly basis, rather than monthly or daily, will allow for a much simpler annual reconciliation of RECs for compliance and will reduce the administrative costs of tracking RECs. KCPL suggested subsection (3)(C) be clarified by replacing the word "applicable" with "required" at the end of the sentence in subsection (3)(C).

RESPONSE AND EXPLANATION OF CHANGE: The commission agrees with these comments and the clarification. The commission will make the suggested clarification to subsection (3)(C).

COMMENT #18: Subsection (3)(K): Staff suggested adding two (2) months to subsection (3)(K) to recognize the settlement date lag times inherent with the RTOs and ISOs associated with an electric utility. KCPL recommended inserting the word "produced" in the third sentence of subsection (3)(K) as a clarification.

RESPONSE AND EXPLANATION OF CHANGE: The commission will not make the change recommended by KCPL because the word changes the meaning of the provision. The intent of this section was to allow the utilities to "true-up" their REC retirements for the compliance year after they have their annual statistics for that year. Since some of this information is not known on December 31 of the compliance year, they would possibly have to retire too many RECs to ensure they complied. By allowing the three (3)-month interval after the compliance year, they could hit their target without retiring too many or too few RECs. In any case, the RECs retired would have been generated during the compliance year or a preceding year. KCPL's proposal would allow RECs created after the compliance year to be utilized. That is not the intent of the RES. If the RECs were produced in January, February, or March of the year following the compliance year, the utility would essentially be borrowing from a future year to meet compliance in a previous year.

The commission agrees with staff's comment and will make the change to subsection (3)(K). The commission also makes the word "REC" plural in the second sentence.

COMMENT #19: Subsection (3)(L): Staff suggested that the commission amend subsection (3)(L) to address additional aspects of

aggregation. Staff commented that several entities suggested that aggregation may be utilized to lessen the administrative burden for small generators. Staff recommended language to replace subsection (3)(L). Mr. Parker and MOSEIA also commented that the reference to "fractional" RECs was confusing in subsection (3)(L). MOSEIA stated that an REC could only exist once it is completely generated, and therefore there were no "fractional" RECs.

RESPONSE AND EXPLANATION OF CHANGE: The commission agrees with most of staff's amendment to subsection (3)(L) to ease the administrative burden on small generators. The commission will not adopt the staff's language in total as it is largely explanatory and creates further confusion. Staff's recommended language also uses the term "fractional RECs." The commission does not find the term "fractional RECs" to be confusing and will not make any change in response to Mr. Parker and MOSEIA's comment.

COMMENT #20: Section (4): Renew Missouri, MOSEIA, Mr. Werner, Mr. Fairbank, and staff commented about removing the five-hundred-watt (500W) minimum size to qualify for the solar rebate and the Standard Offer Contract (SOC). Henry Robertson for Renew Missouri commented that the minimum size should be removed because there is no such limit in the statute and small customer-generators should be allowed to participate in the rebate. In addition, MOSEIA, Mr. Werner, and Mr. Fairbank commented that the minimum should be removed because current micro-inverter technology will now allow systems under five hundred watts (500W) to be included. Mr. Fairbank states that micro-inverters can be coupled to systems one hundred sixty-five watts (165W) to two hundred fifteen watts (215W) allowing a small system to be installed initially and expanded as financing allows. Staff stated at the hearing that five hundred watts (500W) was an arbitrary number.

RESPONSE AND EXPLANATION OF CHANGE: The proposed language in the rule is not based on any particular facts necessitating that minimum size. The witnesses also stated that technology now allows for smaller systems to be connected. In addition, allowing smaller systems to participate in the rebate will increase the number of people who can participate in the program, thus increasing the amount of renewable energy generated. Further, there is already a requirement to have the generating equipment interconnected with the system which will naturally limit the size of systems qualifying for the rebate. Therefore, the commission will delete the requirement that the generating system have a rated capacity of at least five hundred watts (500W).

COMMENT #21: Subsection (4)(B): KCPL suggested a clarification in subsection (4)(B) of the rule to make clear that it is the customer's responsibility to determine if the system meets the eighty-five percent (85%) of the solar resource used criteria. KCPL further stated that the installer is the best person to determine this; however, the customer is the logical one to make responsible.

RESPONSE AND EXPLANATION OF CHANGE: The commission agrees with KCPL that the customer's installer is the best person to make the assessment of whether eighty-five percent (85%) or more of the solar resources will be utilized. Thus, the commission will adopt KCPL's change with some modification. The commission will add the words "as verified by the customer or the customer's installer at the time of installation" to the end of subsection (4)(B). This will make the customer and not the electric utility responsible for determining if the system meets the criteria.

COMMENT #22: AC or DC: KCPL recommended the California Energy Commission (CEC) standards instead of the direct current (DC) method currently contained in the rule because the CEC allows for payment only for energy actually put on the system and the CEC evaluates components under practical test conditions instead of laboratory conditions. Changing to the CEC standards would also mean changing to the alternating current (AC) method. With regard to subsection (1)(S), KCPL argued that the term "Standard Test

Conditions” is not referenced in the rest of the rule so it is not necessary and should be deleted.

Other commenters including Renew Missouri, Mr. Werner, and MOSEIA stated that the DC method should remain because the statutory language for the rebate in subsection 393.1030.3, RSMo, refers to “installed watt,” not the actual power which is put on the electric utilities’ system. In addition, the commenters stated that the name plate rating for a typical system would be stated in DC watts. Thus, the commenters argued that the DC method should remain.

**RESPONSE:** The commission agrees with the majority of the comments requesting the DC method remain in the rule. The systems being purchased contain a manufacturer’s rating for DC and the statute specifically refers to “installed” watts not interconnected watts. Therefore, the commission will not change the DC to AC for determining eligibility for the rebate and the SOC. In addition, the commission will not delete the definition in subsection (1)(S) as it is used elsewhere in the rule and would only need to be deleted if the commission switched the criteria to AC.

**COMMENT #23:** Subsection (4)(D): Several comments suggested a rewriting or clarification of subsection (4)(D). Many commenters stated that the language requiring new equipment should remain in the subsection because this will ensure that reliable equipment is installed. The comments also indicated that the language needed to be clarified so that it is clear a system will qualify for a rebate up to twenty-five kilowatts (25 kW) installed. This will allow a customer to install a small system and expand it as financing allows, and still receive the benefit of the rebate. Vote Solar recommended adding that the maximum rebate would be fifty thousand dollars (\$50,000). **RESPONSE AND EXPLANATION OF CHANGE:** The commission agrees that the subsection needs to be clarified. The intent is that an account holder can get a rebate up to twenty-five kilowatts (25 kW) installed, even if that “system” starts small and is expanded later. Therefore, the commission will rewrite subsection (4)(D). In this rewrite, the commission links the rebate to the “retail account,” rather than to the “lifetime of the solar electric system.” The commission did not adopt Vote Solar’s recommendation because subsection 393.1030.3, RSMo, does not limit the rebate to two dollars (\$2) per watt.

**COMMENT #24:** Subsection (4)(E): The UCS recommended that the commission clarify subsection (4)(E) to require net metering. Vote Solar supported this provision as well as subsections (4)(F) and (4)(G) and believed that those provisions will provide validation for project deployment and promote the prudent use of ratepayer funds. **RESPONSE AND EXPLANATION OF CHANGE:** The commission will add a comma and the word “a” to the subsection so that it is clear the system must meet the net metering rule requirements or a commission-approved tariff for the purposes of customer-owned generation. No other changes were made as a result of these comments.

**COMMENT #25:** Standard offer contract: Ameren, Empire, and KCPL argued that the SOC is beyond the scope of the statute. Ameren and KCPL stated that electric utilities must have the option, not the obligation, to obtain S-RECs through an SOC. KCPL suggested language to make the offer discretionary and to break down the offer based on the size of the system.

Renew Missouri and the other solar advocates believed the SOC should be mandatory in order to establish a market for small and mid-size solar systems, thus maximizing the solar energy in the state. Mr. Glueck, Ms. Elam, Mr. Prost, and the other solar advocates also stressed that the SOC will aid in the creation of numerous solar industry jobs and increase economic development in the state. Mr. P. J. Wilson testified that the SOC will provide certainty and will be like the rebate in aiding homeowners to make solar installations.

Ameren and KCPL also argued that the SOC creates inefficiency by requiring electric utilities to purchase ten (10) years of S-RECs

from a source which is unlikely to be the lowest-cost source of S-RECs or solar generation. Ameren stated that the SOC inhibits the electric utility’s ability to plan solar projects and may contribute to a total subsidy that actually exceeds the cost of installing solar generating facilities. Additionally, Ameren stated that if the SOC is retained, the electric utilities may “over-comply” and the commission should address in the rule exactly how and when the cost of over-compliance will be recovered.

Many commenters, including MEDA, KCPL, Vote Solar, MOSEIA, and the UCS argued that there should be different payment terms for different sized systems. KCPL suggested specific language to accomplish this. Vote Solar and others recommended various ranges of productions for different contract terms. Renew Missouri commented that adding too many tiers and a five (5)-year contract period will add complexity and costs to the system.

MOSEIA and James M. Holtzman also provided new language for subsection (4)(H). Mr. Holtzman, an architect and LEED AP, completed a cost-benefit analysis showing the payback on approximately sixty megawatts (60 MW) of generating capacity in solar production in Missouri that he estimates the law requires. Given his stated assumptions, he estimated more than two and a half (2.5) billion dollars returned to the state economy from Proposition C. Mr. Holtzman also recommended that the commission set specific language as to the nature and pricing of the RECs.

Staff recommended clarifying changes to the rule as proposed. Staff suggested that the use of “generally accepted analytical tools” should be clarified, as well as the timing of the contract. Staff’s recommendation also breaks down a portion of the subsection into three (3) paragraphs. Staff also proposed deleting the phrase, “or anytime thereafter.”

Certified Solar Solutions testified that the S-REC payment has to be up-front, not “anytime thereafter,” and not a monthly option. The UCS recommended a clarification to the timing language also so that it was clear that the SOC payment is a separate item from the solar rebate. Vote Solar recommended leaving that language but changing “or” to “and” to ensure that SOC is offered for all solar rebates.

MOSEIA recommended language to ensure that up-front payments actually occur up-front, that the term of contract is ten (10) years, and that the customer has the option of a lump-sum or a payment over time.

**RESPONSE AND EXPLANATION OF CHANGE:** Section 393.1030, RSMo, requires that the commission “make whatever rules are necessary to enforce the Renewable Energy Standard.” The RES, in turn, requires not only a percentage of the electric utilities’ sales come from renewable energy, but also that “at least two percent (2%) of each portfolio requirement shall be derived from solar energy.” Further, as the commission stated above, the intent of Proposition C is to promote the generation of renewable energy, and specifically, to promote the generation of that energy in Missouri.

One of the main benefits of renewable energy generation in Missouri is the boost to the state economy as numerous solar industry small business operators testified at the comment hearing. Those same small business people testified that the best way to promote solar generation in the state is to provide some certainty for the individual customer-generators and other investors in solar generation through both the solar rebate and the SOC.

Much in the same vein as geographic sourcing, standard offer contracts encourage and promote the commercial and residential generation of renewable energy. This allows the utilities to purchase power from their customers and make progress toward meeting the renewable requirements, especially the solar requirements in the statute. Thus, the commission originally included in its proposed rule the mandatory SOC. Many of the commenters, however, believe that requiring the SOC is beyond the commission’s authority. In addition, the customer representatives argue that requiring the SOC may add costs to the utility customers because purchasing S-RECs from individuals may not be the least-cost method of compliance.

After considering the comments, the commission determines that

it will not require the SOC be mandatory. Instead, the commission will set out in the rule that the SOC may be offered by the utilities with commission approval of a tariff providing the details for an SOC.

Commenters also asked that the commission set a price for the S-RECs in order to encourage investors by giving them more certainty about the market. For reasons stated elsewhere, the commission will not set a price in this young market with the limited information provided in the comments. The commission believes, however, that allowing the utilities set the price for S-RECs filing a tariff, the S-REC prices will be published in such a way as to give additional certainty to the market.

Many of the comments related to the need to break down the SOC into different terms for different sized systems. KCPL provided language setting out a structure for this breaking down the size of the systems into categories of three kilowatts (3 kW) or less, three kilowatts (3 kW) to ten kilowatts (10 kW), greater than ten kilowatts (10 kW), and greater than twenty-five kilowatts (25 kW). Because the commission is no longer requiring the SOC, these provisions are not necessary, but they are instructional for evaluating an SOC tariff when it is presented to the commission.

The commission, therefore, deletes subsection (4)(H) and replaces it with a revised (4)(H) providing for a discretionary SOC. In addition, the commission notes that it now believes that the estimates of fiscal compliance provided by the utilities and used in the original fiscal note did not include a mandatory SOC and therefore was underestimated. The commission will make note of this in its fiscal note assumptions.

**COMMENT #26:** Time period for purchase of S-RECs in an SOC: KCPL stated that if the SOC is retained, the period the electric utility is required to purchase S-RECs should be shortened from ten (10) years. MEDA stated that ten (10) years is an inappropriately high subsidy and there should be different length SOC's for different size systems.

Renew Missouri testified that there was no precedent in other states for shortening the contract period to less than ten (10) years and it has already been shortened from twenty (20) years. Further, Mr. P. J. Wilson stated that ten (10) years was consistent with the life of the systems.

Vote Solar argued that the SOC should have the option to spread payment over fifteen (15) years for PV systems greater than 100 kilowatts (100 kW). And, Empire commented that the S-RECs should only relate to periods when electricity is actually being generated by a solar electric system.

**RESPONSE:** The commission has determined that the SOC should not be mandatory. Therefore, no additional change is needed as a result of these comments.

**COMMENT #27:** Exemption from SOC requirement: Staff suggested making an addition to subsection (4)(H) to allow a company an exemption from the requirement to offer an SOC if the utility "has acquired a sufficient number of S-RECs for the current and subsequent calendar year." Along with this suggestion, staff recommended a reporting requirement be added to subsection (7)(A) for reporting these exemptions.

**RESPONSE:** The commission has determined that the SOC should not be mandatory and therefore, this amendment is not necessary.

**COMMENT #28:** Establish an S-REC price: Ameren argued that if the SOC is retained, the commission needs to establish an S-REC price. Virginia Harris for the Sierra Club also commented that S-REC prices should be closely supervised or they may sink too low. Mr. Holtzman, Vote Solar, Mr. Glueck, Mr. Prost, Mr. Werner, the UCS, Ms. Elam, and MOSEIA also recommended that the commission set S-REC prices.

MOSEIA provided an interactive spreadsheet for determining the S-REC price and suggested it be set on an annual basis. Vote Solar

suggested an annual workshop process for setting the S-REC value for systems less than one hundred kilowatts (100 kW). Vote Solar further stated that S-REC values for small systems should be at least eighty percent (80%) of the weighted average price of S-RECs that come in through the request for proposals (RFP) bidding process or the difference between the cost of solar, the rebates, and the levelized cost of energy. Mr. Holtzman suggested specific language for this provision as well.

**RESPONSE:** The commission cannot practically set an S-REC price in this rulemaking. The commission has not received sufficient information about the market value of S-RECs in Missouri or elsewhere to make that type of determination. Also, once this rule is effective and the market adjusts to the incentives and requirements contained in it, the market price may also change. Thus, the market price today may not be a good gauge of the market price after the effective date of this rule.

On its face, the concept of having an annual workshop to set the S-REC price seems like a good one. But the commission cannot set such a rule of general applicability through the workshop process. The commission must set those types of rules through the notice and comment rulemaking process such as this one. In order to publish a new rule for the upcoming year, the commission would have to begin the workshops almost a year in advance to accommodate the rule-making process. Thus, it is not practical to set an S-REC price through the workshop process.

The commission determines that the market will be the best guide for setting an S-REC price and the commission has provided a method to produce some certainty in the adoption of new subsection (4)(H). The commission will not make any additional changes to the rule as the result of these comments.

**COMMENT #29:** Subsection (4)(I): Staff recommended revising subsection (4)(I) to ensure that S-RECs purchased under the one (1)-time lump sum contract are not utilized for other purposes.

**RESPONSE AND EXPLANATION OF CHANGE:** The commission will adopt the additional language proposed by staff to ensure that the S-RECs which are purchased under a one (1)-time lump sum payment will not be sold or traded in another compliance or voluntary market.

**COMMENT #30:** Timing of the S-REC payment: UCS recommended that customer-owners of solar installations be paid only after the S-RECs are issued and transferred to the utility. KCPL suggested that thirty (30) days for the processing of a solar rebate payment is not sufficient and the time should be sixty (60) days.

**RESPONSE:** The commission disagrees with both commenters. Numerous commenters stated that it was important for growth in the industry and to encourage installation of small and mid-size renewable generation for the payments to be up-front. The longer the payment period is stretched the more difficult it is for individuals and small businesses to finance the installation of solar generation. Thus, no change was made as a result of these comments.

**COMMENT #31:** Grandfather clause: MOSEIA suggested that the commission grandfather, for purposes of the SOC, any systems installed between Dec. 31, 2009, and the time the rules become effective.

**RESPONSE:** The commission cannot make the substantive portions of its rule retroactive. Customers installing renewable generation prior to the effective date of the rule, did so without the expectation that the rule would be applicable to their installations. With regard to the rebate payment and the SOC, the customers and the utilities will have to determine if the system is subject to the rule once the rule becomes effective. The commission made no change as a result of this comment.

**COMMENT #32:** Subsection (4)(K): Three (3) suggestions were received for clarifying subsection (4)(K). First, MOSEIA recommended deleting the comma after "building permit." Second,

MOSEIA recommended clarifying “full operation” by inserting the word “substantial” before “production of rated electrical generation.” And third, Mr. Parker and MOSEIA commented that a clear engineering standard rather than a subjective standard should be used to determine acceptance for the solar rebate.

**RESPONSE AND EXPLANATION OF CHANGE:** The commission will delete the comma for clarity. In addition, the commission will delete the words “are accepted for the solar rebates” and replace it with “have received a solar rebate” for clarity. The commission will not adopt the language proposed by MOSEIA because it would change the date on which the twelve (12)-month period begins to run. Also, the commission will not add “substantial” before “production” because it does not add any clarification.

Upon further review of the subsection, the commission will correct a typographical error by inserting a missing “/” between “and” and “or,” will add an article before “Standard,” and will insert the words “with the electric utility” to clarify where the report should be filed.

**COMMENT #33:** New subsection (4)(M): Certified Solar Solutions and Renew Missouri each suggested that a new subsection (4)(M) be included to allow customers to apply for a new SOC after ten (10) years.

**RESPONSE:** The commission will not make this recommended change because it does not have sufficient information about the cost and amount of energy expected to be generated from a system after ten (10) years to make such a substantial change in this rule. There is currently nothing in the rule which would prohibit an electric utility and a customer from negotiating a new contract at the end of ten (10) years. No change was made as a result of this comment.

**COMMENT #34:** Retail rate impact: Staff commented that the current rule sets out the retail rate impact (RRI) cap on an incremental basis averaged over a ten (10)-year period. This means that each rate increase may not be more than one percent (1%) on average over a ten (10)-year period as a result of RES compliance. Staff advocated, however, that the cumulative approach be followed instead. Under the cumulative approach, rates would not rise in total more than one percent (1%) when averaged over a period of time. Staff recommended that period of time for which the averaging will take place to be the time periods set out in Proposition C. Mr. Oligschlaeger for staff testified regarding the RRI calculations of the rule and the difficulty of making hypothetical estimations required by the statute. Staff also commented that for clarity, the word “retail” should be inserted in subsection (5)(A) before “rate impact” in the second sentence.

Public counsel supported the use of the cumulative approach which would include all the RES compliance costs that customers are paying at a particular point in time. Public counsel would average those compliance costs over a ten (10)-year period of time.

Ameren supported a cumulative approach so that the *maximum* rate increase is one percent (1%), not a one percent (1%) increase per year. Ameren also suggested simplifying how the rate increase is calculated by merely taking one percent (1%) of the last approved revenue requirement in a rate proceeding. Ameren further commented that, if the complex calculation called for in the proposed rule is retained, then the RES/non-RES generation scenarios should not be compared on a long-term basis for purposes of calculating the RRI cap, but only over a “one (1)-year forward looking period.”

Renew Missouri also opposed the incremental approach set out in the rule. Renew Missouri believes that retail rates may not increase by more than one percent (1%) over the life of the RES but must be averaged to accommodate spikes in RES compliance costs that arise (for example, when a large wind farm comes on-line). Renew Missouri argued that a twenty (20)-year averaging period would be more appropriate.

MIEC opposed the incremental approach and also opposes multi-year averaging. MIEC believed that the reference to “average” in the

statute means an average increase over all the rate classes. MIEC also suggested that the numerator and the denominator used to determine the RRI cap be clearly defined in the rule.

Empire expressed its disagreement and displeasure with the statutory and rule requirements to calculate “non-RES” generation by completely ignoring a utility’s existing renewable resources in place at the time the RES requirements begin. Empire expressed how difficult it would be to make a calculation which requires it to assume that decisions made in the early 1900’s and even in the early 2000’s have not been made.

Mr. Wood testifying on behalf of MEDA at the hearing stated that there is an inconsistency in Proposition C which is now reflected in the rule. The inconsistency is that the rate impact cap will be considered in current rate increases, but the analysis required by Proposition C is prospective. Thus, renewable energy that may be considered consistent with the integrated resource plan (IRP) could be objectionable on the basis that it exceeds the rate impact cap. Mr. Wood suggested that one way to address this is to specifically acknowledge that current rate increases that meet the long-term best interest of the electric utility and its customers may cause rates to go up more than one percent (1%).

Mr. Fischer for KCPL had similar concerns to MEDA regarding the difficulty in applying the RRI. He also suggested that the commission should only consider renewable energy that was added as a result of compliance with the RES when determining if the rate cap was met. KCPL supported the incremental approach of the rule as written with some slight modifications which it provided. Mr. Lutz, testifying for KCPL, supported a ten (10)-year averaging period.

Vote Solar supported a ten (10)-year averaging period. Certified Solar Solutions supports the use of multi-year averaging, but does not specify a particular period. MOSEIA, UCS, and US Solar Distributors supported a twenty (20)-year averaging period to match the IRP and allow the best planning opportunities for the utilities.

The Wind Alliance supported the rule as written, but believes a twenty (20)-year average may be more appropriate since purchased power agreements tend to be for twenty (20) years and the current IRP period is twenty (20) years. Elliot Roseman, vice president for ICP International, testified on behalf of the Wind Alliance. Mr. Roseman stated that the Wind Alliance supports the RRI being determined on an incremental basis as set out. Mr. Roseman and the Wind Alliance’s suggestions for improvement of the rule is that a detailed approach for the RRI calculation be included so as to avoid a contentious proceeding when the first RES filing is made. In addition, Mr. Roseman provided a model for determining revenue requirement with and without renewable energy on a prospective basis. The Wind Alliance recommended that the commission include these detailed RRI calculations in the RES rulemaking.

**RESPONSE AND EXPLANATION OF CHANGE:** The retail rate impact question, and how the one percent (1%) “cap” is meant to be applied, is clearly one of the most difficult and complicated tasks for the commission in this rulemaking. And, part of the confusion lies in each party’s and each individual’s understanding and definition of “incremental” or “cumulative.”

In determining how to implement the RRI, the commission looks first to the language of the statute. The commission is required in subdivision 393.1030.2(1), RSMo, to adopt rules that provide “[a] *maximum average retail rate increase of one percent* determined by estimating and comparing the electric utility’s cost of compliance with least-cost renewable generation and the cost of continuing to generate or purchase electricity from entirely nonrenewable sources, taking into proper account future environmental regulatory risk including the risk of greenhouse gas regulation[.]” (Emphasis added.) Thus, the commission set out a method of calculating that maximum one percent (1%) retail rate increase and defines the components of that calculation, the assumptions, and other related calculations which will be necessary in making the estimations required by the clear language of the statute.

Matters are further complicated by subdivision 393.1030.2(4),

RSMo, which states that the rules must also make a provision, outside of a rate case, for the recovery of prudently incurred costs or the pass-through of benefits achieved by compliance. Thus, the commission must not only provide for the method and determination of the one percent (1%) “cap,” it must also implement that “cap” while allowing prudently incurred costs to be recovered.

Mr. Oligschlaeger explained this RRI and the confusion that it causes very well at the hearing. He explained that the RRI of one percent (1%) is not, per se, a measurement of actual rate impact on customers. And the reason this is so is because the RRI as defined in the statute is a comparison between an actual revenue requirement compliant with the RES and a hypothetical revenue requirement which assumes electricity comes from “entirely non-renewable sources.” It is this hypothetical that troubles other commenters, like Mr. Wood and Mr. Fischer, and the way it appears to be internally conflicting. Regardless, of the internal conflict of the statute, the commission’s rule must include the RRI cap to be calculated as the statute specifies.

After reviewing the arguments regarding the incremental versus cumulative approach, the commission finds that the cumulative approach with a ten (10)-year average as recommended by the public counsel is the most reasonable interpretation of the requirements of Proposition C. Because the statute clearly calls for an average, the commission must put some meaning to that term and does so by averaging the retail rate impact over a ten (10)-year period. Thus, the averaging will smooth out some of the spikes in the compliance costs and recovery caused by new technology coming on-line in the beginning of implementation.

The commission appreciates the modeling and methodology suggestions provided by the Wind Alliance. Further, the commission recognizes that some details with regard to recovery of RES compliance costs may end up being argued in the first RES filing for each electric utility. However, at this point in the rulemaking, the commission is reluctant to make major changes, or what might be interpreted as major changes, to the calculations as published in the proposed rule. If it becomes apparent when the rule is actually implemented that changes are needed to the rule, or that more specific calculations or formulas should be included, the commission will amend the rule at that time.

It is for all these reasons that the commission determines that the RRI calculation in section (5) should be changed as recommended by public counsel. The commission also adopts staff’s clarifying language in subsection (1)(A). And, elsewhere in this rule other changes to this section are explained.

In addition, going from an incremental retail rate impact to a cumulative retail rate impact should greatly reduce the cost of compliance to the utilities and the general economic effect on consumers. The commission will note this change in its assumptions to the fiscal note, as well. However, because numerous stakeholders in this rulemaking have indicated that the original fiscal note was underestimated, the commission will not change the dollar amounts of the fiscal note, but only the assumptions.

**COMMENT #35:** Greenhouse gas risk calculation: Empire commented that quantification of greenhouse gas risk is “nearly impossible.” Renew Missouri stated that an approach of calculating carbon costs using an “adder” should be considered, and that either a workshop on carbon pricing or a common docket for the RES and Senate Bill 376 (codified at section 393.1075, RSMo) would be helpful in dealing with issues concerning avoided carbon costs. UCS commented that the cost of greenhouse gases should be projected by the commission under the assumption of a regulatory structure that sets a mandatory cap on carbon emissions and that also sets a market price for emission allowances.

MOSEIA commented that the word “allowances” should be deleted from the third-to-last sentence in subsection (5)(B) because the cost of the allowances may not include all the costs. For instance, emissions could surpass allowances and result in fines which have a

greater effect on the overall cost than allowances alone. MOSEIA also recommended adding “and accepted by the commission” after the requirement to include a justification with any deviations. MOSEIA reasoned that just providing the justification is not sufficient; it must also be recognized by the governing authority.

Mr. Parker commented that the words “internal or contracted” should be added to the last sentence of subsection (5)(B) for clarification. KCPL suggested the words “directly attributable to RES compliance” be added in a similar position.

MIEC believed the RRI cap calculation specified in the proposed rule may lead to double-counting of greenhouse gas impacts and fossil fuel costs.

Public counsel also provided some suggested language revisions for section (5) which were largely clarifying in nature, but which contained a more detailed explanation of the calculation of greenhouse gas risk.

**RESPONSE AND EXPLANATION OF CHANGE:** The commission agrees with Empire that a quantification of greenhouse gas risk is extremely difficult. One of the mandates of subdivision 393.1030.2(1), RSMo, is to provide a rule which takes “into proper account future environmental regulatory risk including the risk of greenhouse gas regulation.” Thus, the commission has no choice but to set that process out in its rule. The commission has studied this calculation at length, first through workshops and then through this rulemaking docket. Of all the solutions offered, the current text with some modifications as proposed by public counsel is the preferable one.

Perhaps additional workshops are in order as suggested by Renew Missouri. Certainly if the federal government passes any significant energy legislation, such work shops will be necessary. However, until that occurs, the outcome is too speculative to incorporate in this rule as the UCS suggests. The commission cannot assume “cap-and-trade” is a given and can only promulgate rules for those things it has the statutory authority to implement.

MOSEIA’s point is well taken that “allowances” is too limiting a word to encompass all the various costs. Thus, the commission finds that public counsel’s language is appropriate to better define the makeup of the greenhouse gas calculation and to clarify its components. The commission, therefore, adopts numerous changes in the language of subsections (5)(A), (5)(B), and (5)(D) to incorporate public counsel’s language. The commission also makes some additional clarifications where necessary. While the commission disagrees with the MIEC’s comment, the changes made as a result of public counsel’s comments, should address this issue.

The commission agrees that a clarification is necessary in the last sentence of subsection (5)(B). The commission will make the change recommended by KCPL to clarify this sentence. Because the commission adopted this change, Mr. Parker’s change is not necessary.

**COMMENT #36:** Subsection (5)(E): Renew Missouri, Certified Solar Solutions, and UCS stated that costs incurred by utilities to comply with any federal RES rules or requirements should not count toward compliance with the Missouri RES unless the costs would otherwise qualify under the Missouri RES without regard to federal requirements.

**RESPONSE AND EXPLANATION OF CHANGE:** The commission determines that subsection (5)(E) should be clarified as suggested by the commenters. The intent of this provision was to make clear that federal costs and benefits, if necessary to comply with Missouri standards, could be counted. The purpose was not to allow a utility to recover in this cost recovery mechanism federal costs, or have benefits offset, that go beyond what is necessary for compliance with the Missouri RES. The commission will amend subsection (5)(E).

**COMMENT #37:** Section (6): Staff recommended modifying the beginning of section (6) to include requirements ensuring that the electric utilities receiving rate adjustments through the RESRAM process are based on the true net cost or benefit of RES compliance.



Staff recommended adding the following language to the end of the preamble of section (6): "In all RESRAM applications, the increase in electric utility revenue requirements shall be calculated as the amount of additional RES compliance costs incurred since the electric utility's last RESRAM application or general rate proceeding, net of any reduction in RES compliance costs included in the electric utility's prior RESRAM application or general rate case, and any new RES compliance benefits."

**RESPONSE AND EXPLANATION OF CHANGE:** The commission agrees with staff and will add the recommended language to the end of the preamble of section (6).

**COMMENT #38:** Subsection (6)(A): Staff commented that other cost recovery mechanisms usually require a rate case to establish a base for the cost recovery mechanism. In the RES, there is no provision for requiring a rate case and so the base must be determined and set in the initial RESRAM filing. Staff, therefore, asked that the commission allow additional time for processing the first recommendation in subsection (6)(A).

**RESPONSE AND EXPLANATION OF CHANGE:** The commission agrees with its staff that the initial RESRAM filing will require additional time to sufficiently process. Therefore, the commission will add the language requested by staff to subsection (6)(A) to allow one hundred twenty (120) days to process the initial RESRAM application.

**COMMENT #39:** Paragraph (6)(A)3.: Ameren commented that interest should be applied, equal to the utility's short-term borrowing rate, to any RES rate recovery deferred pursuant to the RRI cap.

**RESPONSE AND EXPLANATION OF CHANGE:** The commission agrees with Ameren's comment that interest should also be applied to those costs being carried forward. Thus, the commission will insert language into paragraph (6)(A)3. to authorize the accrual of interest consistent with other interest provisions in similar cost recovery mechanisms.

**COMMENT #40:** Notice to customers: The Wind Alliance, Renew Missouri, Mr. Parker, and the UCS suggested removing the requirement for a specific line item on customer bills which informs the customers of the presence and amount of the RESRAM. The Wind Alliance suggested that the current language artificially increases the amount attributable to RES. Renew Missouri advocated deleting the required annual notice as well. Mr. P. J. Wilson testified that it was an unnecessary expense.

Public counsel recommended that, in order to more clearly show customers the effects of the RES, the RESRAM charges should not be re-based and buried in base rates, but instead they should continue to be shown separately on customers' bills. Public counsel recommended eliminating the "re-basing" everywhere it appears in the rule.

**RESPONSE:** Separate line items are typical for special rate adjustment clauses like the fuel adjustment clause and the purchased gas adjustment clause. And, a special line item is necessary when the rate adjustment occurs outside of the typical rate case. Thus, to be consistent with standard practice and to afford the ratepayers additional information about their electricity costs, the commission will keep the line item and annual notice requirements in the rule.

Also, in keeping with the standard practice of "re-basing" costs from one (1) rate adjustment to the next, the commission will not alter this practice in the rule as public counsel suggests. And, in response to the Wind Alliance, with the "re-basing," the commission does not believe that when this requirement is implemented that the line items will include an incorrect or misleading amount on customer bills. No change was made as a result of these comments.

**COMMENT #41:** Alternative rate recovery of RES compliance costs: KCPL suggested additional language which would allow an electric utility to defer costs in a regulatory asset account between

general rate proceedings. KCPL's language also allows the utility to annually calculate Allowance for Funds Used During Construction (AFUDC) on the balance in that regulatory asset account with prudently-incurred costs to be amortized over a ten (10)-year period.

Public counsel responded that this concept was acceptable, but KCPL's language goes too far and should not be adopted. Public counsel made a recommendation to allow RES compliance costs to be recovered as part of a general rate proceeding and suggested adding that language to paragraph (6)(A)16.

Staff also agreed that the regulatory asset concept is not objectionable. Staff states, however, that the rule should be clear that the RRI cap would still apply to any alternative RES recovery proposals.

**RESPONSE AND EXPLANATION OF CHANGE:** The commission agrees with public counsel and staff that the concept of allowing a regulatory asset account is a good one; however, KCPL's proposed language goes too far into ratemaking treatment. Instead of KCPL's proposal, the commission will add a new subsection (6)(D) to include alternative RES cost recovery language. This language is meant to do the following: 1) make the carrying cost language consistent with the rule's earlier RESRAM carrying cost provisions; 2) remove all language from KCPL's proposal indicating up-front ratemaking treatment of the deferred compliance costs; and 3) state that rate recovery of RES compliance costs under the alternative approach will remain subject to the section (5) RRI cap limitations. The commission also made the change proposed by public counsel.

**COMMENT #42:** New subparagraph (6)(A)26.C.: KCPL asked the commission to include a new subparagraph requiring that a prudence review not commence until the previous prudence review is completed.

**RESPONSE:** The commission appreciates how complicated having multiple prudence reviews in progress can be. The current rule requires that the schedule for such reviews be set during the RESRAM rate proceeding which establishes the RESRAM. Thus, the parties will have an opportunity to suggest the schedule of prudence reviews. Because this is a new procedure, and because the commission must make certain of its cases a priority by statute, the commission cannot prescribe the timing of prudence reviews before the implementation of this rule. Once RESRAMs are initiated and the commission has experience with this mechanism, it will be in a better position to determine the timing of prudence reviews. The commission made no changes as a result of this comment.

**COMMENT #43:** Subsections (6)(B) and (6)(C): MIEC commented that the provisions in the proposed rule allowing the deferral of utility RES costs in excess of the RRI one percent (1%) cap should not be included in the rule. MIEC reasoned that the utilities should not be required or encouraged to add renewable resources under Proposition C above the RRI cap.

The Wind Alliance also wanted to make certain that it is the commission's intent in subsections (6)(B) and (6)(C) to base which track the RESRAM proceeding must follow on a revenue increase amount that includes amounts that would be attributable to nonrenewable energy if not for the RES.

**RESPONSE:** Subdivision 393.1030.2(4), RSMo, requires the commission to provide for recovery of the utilities' prudent costs of complying with the RES. Thus, the commission has made a provision for the recovery of all those costs. It is reasonable to assume that the early costs of compliance may be greater than the later costs because of the initial cost of providing for renewable generation and the increased cost of RECs and renewable energy in a new market. Therefore, the commission determines that it is appropriate to allow the utilities to carry forward prudent compliance costs in this manner. The commission is also clear in its intent on which figures to base the track for the RESRAM proceeding. The commission made no change as a result of these comments.



COMMENT #44: Additional explanations: Staff recommended that a complete explanation of all of the costs, both capital and expense, incurred for RES compliance, and the specific account for each item be included in the filing for a RESRAM. Staff stated that this information will be necessary because of the expedited nature of the recovery mechanisms.

RESPONSE AND EXPLANATION OF CHANGE: The commission agrees that because of the expedited nature of these proceedings, the utilities should provide as much information up-front as can reasonably be provided. Therefore, the commission will add the requirement suggested by staff to paragraph (6)(B)5., by adding a new subparagraph (6)(B)5.A. and re-lettering the following subparagraphs. The commission will also add this requirement as suggested as a new subparagraph (6)(C)2.E., for the same reason and re-letter accordingly.

COMMENT #45: New subparagraph (6)(B)5.G.: Staff commented that utilities should be required to update the depreciation reserve regarding any prior renewable investment included in rates through the RESRAM process when a new RESRAM application has been made. Staff suggested a new subparagraph to accomplish this. The public counsel supports this addition.

RESPONSE AND EXPLANATION OF CHANGE: The commission finds staff's suggestion to be a reasonable one that will aid in determining an accurate RESRAM in subsequent filings. Thus the commission will add a new subparagraph (6)(B)5.G. and new part (6)(C)3.A.(VII). In addition, the commission will re-letter the following subparagraphs and renumber the part accordingly.

COMMENT #46: Subsections (6)(B) and (6)(C): MEDA commented that the RESRAM approach under subsection (6)(B) is sufficient to reasonably address all RESRAM adjustments and that the process under subsection (6)(C) should be eliminated because it is unduly burdensome. Public counsel recommended that the process under subsection (6)(C) should be used for all proceedings. Public counsel reasons that since the RESRAM is limited to once per calendar year, there should be no need for the expedited procedure. Public counsel also suggests that if the commission keeps the different mechanisms for different recovery percentages, the commission should extend the time the commission has to make a decision in paragraphs (6)(B)3. and (6)(C)1. KCPL suggested that the commission should establish a time limit for its decision. Mr. Robertson on behalf of Renew Missouri filed comments stating that subsections (6)(B) and (6)(C) should provide for an expedited procedure if the RESRAM is filed again after being rejected.

RESPONSE AND EXPLANATION OF CHANGE: The process set forth in subdivision 393.1030.2(4), RSMo, contemplates a recovery mechanism which will make sure that the utilities are recovering their costs of compliance with the RES and that customers are receiving any benefits. During the working docket, EW-2009-0324, the procedure in the rule as proposed was put forth as one (1) mechanism to accomplish this. The rule as proposed contains elements of some of the current cost recovery mechanisms set out in other commission rules (for example, the infrastructure replacement surcharge, the fuel adjustment clause, and the environmental cost recovery mechanism). The commission determines that the current requirements of the rule strike a balance between expediting the recovery of costs for the utilities and ensuring a fair and accurate calculation in a short time period. Further the commission determines that the process will not be unduly burdensome.

Public counsel's suggestions about the commission's time limits are well taken. The subsection (6)(B) proceeding, however, is meant to be an expedited proceeding and the commission will leave the time limits for its decision as it is written. The subsection (6)(C) proceeding is intended to be a more thorough proceeding and thus no time limit was set for a commission decision. Because no specific time was set, the time need not be lengthened beyond the thirty (30)-day minimum in the proposed rule. But because subsection (6)(C) is meant to be a more thorough evaluation, the commission will make

the suggested change as proposed by public counsel to ensure that there is time for a hearing on any issues and an adequate effective date of any order and will not make the change proposed by KCPL which does not give sufficient time for those items.

COMMENT #47: General comments to section (7): The Wind Alliance commented that the commission should keep the RES compliance plan process as transparent as possible without designating too much material as highly confidential. The Wind Alliance stated that this was especially necessary if an investor-owned utility was claiming that it cannot meet the RES percentages without hitting the RRI cap. Staff commented that clarification was needed at the beginning of section (7) to set a date for the first RES compliance year. Staff also commented that part (7)(A)1.I.(V) contained an incorrect reference. KCPL made suggestions for minor clarifications and language edits.

RESPONSE AND EXPLANATION OF CHANGE: The commission has worked hard to include as many stakeholders as possible in the process of creating this rule beginning with workshops and including the comments and hearing in the official rulemaking process. Numerous safeguards were put in place to ensure that the process of meeting the RES requirements is open to public scrutiny. No specific changes were suggested by the Wind Alliance, and the commission made no changes to the proposed rule as a result of this comment.

The commission agrees with staff that clarification is needed and will adopt the proposed language provided by staff to include an April 15, 2012, filing deadline for information in the first compliance year. The commission will also correct the reference in part (7)(A)1.I.(V) so that it cites to part (7)(A)1.I.(IV).

The commission agrees with some of the changes which KCPL has suggested and will make the following changes for clarification purposes: inserting "RES" before "Compliance Report" in section (7) and subsection (7)(B); substituting "a" for "an annual" in section (7); inserting the words "as defined by" before the statute citation in subparagraph (7)(A)1.C.; inserting "and RES compliance plan" in subsection (7)(E); and inserting the word "annual" in subsection (7)(D).

The commission will not delete the words "compliance plan" from subparagraph (7)(A)1.M. because that would change the meaning of that subparagraph. KCPL also recommended deleting part (7)(A)1.I.(V) but gave no explanation as to why that requirement should be deleted. Therefore, the commission will make no change as the result of those comments.

COMMENT #48: Preapproval: KCPL proposed language for a new subsection (1)(I) and a new subsection (7)(B). KCPL argued that the rule requires that the rate impact cap be considered in the context of a rate increase request but the analysis is to be performed on a prospective basis. KCPL believed this is inherently inconsistent since rate proceedings are typically based on an historic test year. To overcome this inconsistency, KCPL recommended language allowing the utility to seek a determination from the commission of the appropriateness of a renewable energy resource prior to committing to construct or enter into a contract for that resource. MEDA and Ameren also requested that the rule be amended to allow preapproval of a renewable generating asset or a purchased power agreement for a renewable generator. Mr. Prost also testified that it was important to do a cost-benefit analysis and get preapproval from the commission to determine where renewable generation would be built.

Mr. Kind noted at the hearing that throughout the lengthy process of workshops and prior to the publishing of the rule, the companies made no mention of a preapproval concept. Mr. Kind also stated that this type of process does not belong in the RES rule and that the proposed language with an accelerated process was inappropriate. Mr. Dottheim for staff echoed Mr. Kind's statement that this preapproval concept was not discussed in the RES workshops. Mr. Dottheim stated that a similar concept has been discussed in the Chapter 22 workshops and that this proposed expedited procedure is a concern.

RESPONSE: The commission agrees with the comments of counsel

for staff and with Mr. Kind. The expedited procedure proposed by KCPL for preapproval has not been previously discussed during the commission workshops leading up to this rule, nor given an opportunity for much study since that time. In addition, the commission has not traditionally expressed preapproval for ratemaking treatment of specific projects. The companies undergo an extensive planning process during the IRP process and 4 CSR 240-20 rules are currently in the process of being rewritten. It is more appropriate to provide for a preapproval process in the context of those rules, rather than to have one (1) process for renewable energy generation and a separate process for other types of generation. The commission will make no change as a result of these comments.

**COMMENT #49:** Subparagraph (7)(B)1.G.: Ameren and KCPL requested that the requirement in subparagraph (7)(B)1.G. be eliminated. The utilities stated that they will have no ability to verify these resources and the commission should not require them to do so. In addition, KCPL stated that this requirement will be addressed in rules to be promulgated by the Department of Natural Resources and would, therefore, be redundant.

**RESPONSE AND EXPLANATION OF CHANGE:** Subparagraph (7)(B)1.G. requires, as part of the compliance plan, that the utilities verify that they have complied with the requirements of the statute and any Department of Natural Resources rule. To the commission's knowledge, the Department of Natural Resources has not yet begun its formal rulemaking to implement the provisions of subsection 393.1030.4, RSMo. Thus, the commission will leave this requirement in its rule. But to clarify the rule the commission will restate the requirement so that it is clear the utilities need only verify that they have complied with the applicable statute and the Department of Natural Resources regulations.

**COMMENT #50:** Section (8): KCPL and Ameren requested that the rule be amended to include a calculation for the market value of RECs in advance of the compliance periods established in section (7) of the rule. MEDA also made a similar request. The utilities stated that without knowing the value of the RECs and S-RECS, they cannot determine what mitigation efforts are reasonable or properly assess their financial exposure. Ameren and KCPL suggested that the rule should require staff to recommend a market value for RECs and S-RECs, and for the commission to adopt a market value for RECs and S-RECs prior to each year. KCPL suggested adding the following language to the end of the initial paragraph in section (8): "The average market value for RECs associated with these provisions to be calculated and published by the commission staff in advance of the compliance periods established in section (7) of this rule."

The UCS also suggested that the commission revise the penalty section to provide clear guidance for what penalties will be. The UCS stated that the uncertainty is bad for investments.

Ameren also commented that the commission has no authority to assess penalties and that the rule should be amended to require the commission to pursue penalties in circuit court, similar to other penalty actions.

**RESPONSE AND EXPLANATION OF CHANGE:** Subdivision 393.1030.2(2), RSMo, requires the commission to make rules which include "penalties of at least twice the average market value of renewable energy credits for the compliance period for failure to meet the targets of subsection 1." This provision is basically restated in section (8) of the proposed rule. The commission cannot publish the market value as the utilities request. To do so requires the commission to make an order of general applicability, which requires an additional rulemaking. (section 536.010(6), RSMo.) In order to complete a rulemaking prior to the compliance period, the commission would need to begin six to eight (6-8) months ahead of the compliance period. The plain language of the statute requires that the penalties be based on the compliance period in which the violation occurs. The commission cannot know the "average market value . . . for the compliance period" before the compliance period.

The statutory language only gives the commission the authority to set the multiplier for the penalties, as the commission has done in section (8), and to make other rules necessary to implement the RES. Thus, the commission will not make the changes as recommended by the utilities, MEDA, and the UCS.

The commission will however, revise section (8) to clarify the procedure for calculating the market value. As the rule is currently written, it has staff making a "determination" and allows the commission to set a procedural schedule, but it is unclear what the procedural schedule would accomplish. The commission will add a new subsection (8)(A) to make it clear that any alleged violation of the RES should be filed as a complaint before the commission similar to any other violation of Chapter 393, RSMo, and that it is not the commission which assesses the penalties, but rather the court. The commission will also revise subsection (8)(C) to clarify that the staff shall make a recommendation as to the average market value for the compliance period and then, after an opportunity for comment, the commission will determine the average market value for the compliance period. The commission also re-letters the subsections as necessary.

**COMMENT #51:** Subsection (8)(A): Vote Solar recommended adding a definition of items which are considered "reasonable mitigation" including renewable energy credit solicitations, REC banking, and long term contracts.

**RESPONSE:** Section 393.1030, RSMo, requires the commission to excuse compliance for "events . . . that could not have been reasonably mitigated." The commission will not include examples of "reasonable mitigation" because that is too speculative. It is not foreseeable that energy credit solicitations, REC banking, and long term contracts will be "reasonable" in every circumstance. Thus, the commission makes no change as a result of this comment.

**COMMENT #52:** Subparagraph (8)(B)2.: KCPL requested that the commission add provisions to the rule to require the Department of Natural Resources to file an annual report showing the department's utilization of any penalty funds received. Staff commented that the Department of Natural Resources has reorganized and now the appropriate entity is the "division of energy" instead of the "energy center" as stated in the proposed rule.

**RESPONSE AND EXPLANATION OF CHANGE:** The commission has no statutory authority to require the Department of Natural Resources to file the reports requested by KCPL. Therefore, the commission will not make any change as a result of this comment. The "energy center" is the name used in the statute and the commission is reluctant to change it to another specific title. Therefore, the commission will simply revise paragraph (8)(B)2. to refer only to the Department of Natural Resources and not to any specific division within the department.

**COMMENT #53:** References to sections 392.1045 and 393.1050, RSMo: Steve Reed, general counsel to the commission, filed written comments regarding pending litigation in Cole County Circuit Court Case No. 10AC-CC00179. Mr. Reed stated that the plaintiffs seek a declaratory judgment regarding the validity of section 393.1050, RSMo. Mr. Reed advises the commission to delete section (9) of the proposed rule which restates section 392.1050, RSMo. Mr. Reed argues that if the statute is valid it will control any utility exemptions and the rule will not be necessary; if the statute is determined invalid, having the section deleted will avoid confusion.

Mr. Dottheim on behalf of staff commented that staff agrees with Mr. Reed and recommends section (9) be deleted. Staff also states that this litigation may indirectly affect the validity of sections 393.1040 and 393.1045, RSMo. Staff recommends that the commission delete the references to section 393.1045, RSMo, found in sections (6) and (11) of the proposed rule. Staff also commented specifically that the references in subsection (11)(C) should be replaced with "Proposition C, adopted by initiative, November 4, 2008."

Mr. Wilson on behalf of Renew Missouri, Mr. Werner, and Mr. Fairbank for Alternative Energy Company also suggested that the references to sections 393.1045 and 393.1050, RSMo, and that section (9) be deleted. MOSEIA and the other advocates for the solar industry, including Nathan Jones of Power Source Solar, also commented in writing and at the hearing that the exemption in section (9) was already hurting solar business in the Empire service area and was contrary to the intent of Proposition C.

Mr. Mitten on behalf of Empire testified at the hearing that until a court declares section 393.1050, RSMo, invalid, the exemption in section (9) should remain in the rule.

**RESPONSE AND EXPLANATION OF CHANGE:** Regardless of the outcome of the litigation involving the validity of section 393.1050, RSMo, deleting section (9) of the proposed rule will do no harm. If the statute is valid, then the exemption will apply regardless of the regulation and the commission can amend the rule at a later date to clarify it if necessary. Therefore, the commission determines that section (9) should be deleted. Sections (10) and (11) will be renumbered accordingly.

After reviewing the references to the statutes in controversy, the commission determines that the reference to section 393.1045, RSMo, in section (6) is unnecessary. In addition, the commission determines that the phrase "Pursuant to this rule and sections 393.1030 and 393.1045, RSMo," is superfluous and will be deleted. The first letter of the remaining sentence will be capitalized. In addition, the commission will delete the specific references to the statutory sections in paragraphs (6)(B)2. and (6)(C)1. and replace them with the general phrase "the statutes governing the RES."

The commission has determined above that subsection (11)(C) may create a conflict with other portions of the rules and subsection (11)(C) should be deleted. The commission also determines that subsection (11)(C) is not necessary because the statutes do not authorize the commission to waive any of their specific provisions. For these reasons, the commission is deleting subsection (11)(C).

**OTHER CHANGE NOT AS A RESULT OF THE COMMENTS:** While reviewing the proposed rule, the commission discovered a typographical error in paragraph (6)(A)11.

**EXPLANATION OF CHANGE:** The commission will correct the reference in paragraph (6)(A)11. from subparagraph (6)(A)28.A., which does not exist, to subparagraph (6)(A)26.A.

**EXPLANATION OF REVISED ORDER OF RULEMAKING:** This rule has been the subject of a hearing at the Joint Committee on Administrative Rules. That hearing remains ongoing and will reconvene on this date, July 1, 2010, after the commission has taken its action to revise this order of rulemaking. Because of the concerns and substantial comments made as a part of that hearing process, the commission is amending this order of rulemaking to make the standard offer contract discretionary, to change the retail rate impact calculation from a ten (10)-year incremental to a ten (10)-year cumulative methodology, and to clarify the penalty language.

#### **4 CSR 240-20.100 Electric Utility Renewable Energy Standard Requirements**

(1) Definitions. For the purpose of this rule—

(A) Calendar year means a period of three hundred sixty-five (365) days (or three hundred sixty-six (366) days for leap years) that includes January 1 of the year and all subsequent days through and including December 31 of the same year;

(B) Co-fire means simultaneously using multiple fuels in a single generating unit to produce electricity;

(C) Commission means the Public Service Commission of the state of Missouri;

(D) Customer-generator means the owner, lessee, or operator of an electric energy generation unit that meets all of the following criteria:

1. Is powered by a renewable energy resource;

2. Is located on premises that are owned, operated, leased, or otherwise controlled by the party as retail account holder and which corresponds to the service address for the retail account;

3. Is interconnected and operates in parallel phase and synchronization with an electric utility and has been approved for interconnection by said electric utility; and

4. Meets all applicable safety, performance, interconnection, and reliability standards endorsed by the net metering rule, 4 CSR 240-20.065(1)(C)6. and 4 CSR 240-20.065(1)(C)7.

(J) REC, Renewable Energy Credit, or Renewable Energy Certificate means a tradable certificate, that is either certified by an entity approved as an acceptable authority by the commission or as validated through the commission's approved REC tracking system or a generator's attestation. Regardless of whether RECs have been certified, RECs must be validated through an attestation signed by an authorized individual of the company owning the renewable energy resource. Such attestation shall contain the name and address of the generator, the type of renewable energy resource technology, and the time and date of the generation. An REC represents that one (1) megawatt-hour of electricity has been generated from renewable energy resources. RECs include, but are not limited to, solar renewable energy credits. An REC expires three (3) years from the date the electricity associated with that REC was generated;

(K) Renewable energy resource(s) means electric energy produced from the following:

1. Wind;
2. Solar, including solar thermal sources utilized to generate electricity, photovoltaic cells, or photovoltaic panels;
3. Dedicated crops grown for energy production;
4. Cellulosic agricultural residues;
5. Plant residues;
6. Methane from landfills or wastewater treatment;
7. Clean and untreated wood, such as pallets;
8. Hydropower (not including pumped storage) that does not require a new diversion or impoundment of water and that has generator nameplate ratings of ten (10) megawatts or less;
9. Fuel cells using hydrogen produced by any of the renewable energy technologies in paragraphs 1. through 8. of this subsection; and

10. Other sources of energy not including nuclear that become available after November 4, 2008, and are certified as renewable by rule by the department;

(P) The RES revenue requirement means the following:

1. All expensed RES compliance costs (other than taxes and depreciation associated with capital projects) that are included in the electric utility's revenue requirement in the proceeding in which the RESRAM is established, continued, modified, or discontinued; and

2. The costs (i.e., the return, taxes, and depreciation) of any capital projects whose primary purpose is to permit the electric utility to comply with any RES requirement. The costs of such capital projects shall be those identified on the electric utility's books and records as of the last day of the test year, as updated, utilized in the proceeding in which the RESRAM is established, continued, modified, or discontinued;

(Q) Solar renewable energy credit or S-REC means an REC created by generation of electric energy from solar thermal sources, photovoltaic cells, and photovoltaic panels;

(R) Staff means all commission employees, except the secretary to the commission, general counsel, technical advisory staff as defined by section 386.135 RSMo, hearing officer, or administrative or regulatory law judge;

(2) Requirements. Pursuant to the provisions of this rule and sections 393.1025 and 393.1030, RSMo, all electric utilities must generate or purchase RECs and S-RECs associated with electricity from renewable energy resources in sufficient quantity to meet both the RES requirements and RES solar energy requirements respectively on a

calendar year basis. Utility renewable energy resources utilized for compliance with this rule must include the RECs or S-RECs associated with the generation. The RES requirements and the RES solar energy requirements are based on total retail electric sales of the electric utility. The requirements set forth in this rule shall not preclude an electric utility from being able to prudently invest and recover all prudently incurred costs in renewable energy resources that exceed the requirements or limits of this rule and are consistent with the prudent implementation of any resource acquisition strategy developed in compliance with 4 CSR 240-22, Electric Utility Resource Planning. RECs or S-RECs produced from these additional renewable energy resources shall be eligible to be counted toward the RES requirements.

(A) *Reserved\**

(B) The amount of renewable energy resources or RECs associated with renewable energy resources that can be counted towards meeting the RES requirements are as follows:

1. If the facility generating the renewable energy resources is located in Missouri, the allowed amount is the amount of megawatt-hours generated by the applicable generating facility, further subject to the additional twenty-five hundredths (0.25) credit pursuant to subsection (3)(G) of this rule; and

2. *Reserved\**

3. RECs created by the operation of customer-generator facilities and acquired by the Missouri electric utility shall qualify for RES compliance if the customer-generator is a Missouri electric energy retail customer, regardless of the amount of energy the customer-generator provides to the associated retail electric provider through net metering in accordance with 4 CSR 240-20.065, Net Metering. RECs are created by the operation of the customer-generator facility, even if a significant amount or the total amount of electrical energy is consumed on-site at the location of the customer-generator.

(G) If an electric utility intends to accept proposals for renewable energy resources to be owned by the electric utility or an affiliate of the electric utility, it shall comply with the necessary requirements of 4 CSR 240-20.015, Affiliate Transactions.

(3) Renewable Energy Credits. Subject to the requirements of section (2) of this rule, RECs and S-RECs shall be utilized to satisfy the RES requirements of this rule. S-RECs shall be utilized to comply with the RES solar energy requirements. S-RECs may also be utilized to satisfy the non-solar RES requirements.

(A) The REC or S-REC creation is linked to the associated renewable energy resource. For purposes of retaining RECs or S-RECs, the utility, person, or entity responsible for creation of the REC or S-REC must maintain verifiable records including generator attestation that prove the creation date. The electric utility shall comply with the requirement of this subsection through the registration of the REC in the commission's approved REC tracking system.

(C) RECs or S-RECs associated with customer-generated net-metered renewable energy resources shall be owned by the customer-generator. All contracts between electric utilities and the owners of net-metered generation sources entered into after the effective date of these rules shall clearly specify the entity or person who shall own the RECs or S-RECs associated with the energy generated by the net-metered generation source. Electric metering associated with net-metered sources shall meet the meter accuracy and testing requirements of 4 CSR 240-10.030, Standards of Quality. For solar electric systems utilizing the provisions of subsection (4)(H) of this rule, no meter accuracy or testing requirements are required.

(F) All electric utilities shall use a commission designated common central third-party registry for REC accounting for RES requirements, unless otherwise ordered for good cause shown.

(G) RECs that are created by the generation of electricity by a renewable energy resource physically located in the state of Missouri shall count as one and twenty-five hundredths (1.25) RECs for purposes of compliance with this rule. This additional credit shall not be tracked in the tracking systems specified in subsection (F) of this section.

This additional credit of twenty-five hundredths (0.25) shall be recognized when the electric utility files its annual compliance report in accordance with section (7) of this rule.

(H) RECs that are purchased by an electric utility from a facility that subsequently fails to meet the requirements for renewable energy resources shall continue to be valid through the date of facility decertification.

(I) Electric utilities required to comply with this rule may purchase or sell RECs, either bilaterally or in any open market system, inside or outside the state, without prior commission approval.

(J) For compliance purposes, utilities shall retire RECs in sufficient quantities to meet the requirements of this rule. The RECs shall be retired during the calendar year for which compliance is being achieved. Utilities may retire RECs during the months of January, February, or March following the calendar year for which compliance is being achieved and designate those retired RECs as counting towards the requirements of that previous calendar year. Any RECs retired in this manner shall be specifically annotated in the registry designated in accordance with subsection (F) of this section and the annual compliance report filed in accordance with section (7) of this rule. RECs retired in January, February, or March to be counted towards compliance for the previous calendar year in accordance with this subsection shall not exceed ten percent (10%) of the total RECs necessary to be retired for compliance for that calendar year.

(K) RECs may be aggregated with other RECs and utilized for compliance purposes. RECs shall be issued in whole increments. Any fractional RECs, aggregated or non-aggregated, remaining after certificate issuance will be carried forward to the next reporting period for the specific facility(ies). REC aggregation may be performed by electric utilities, customer-generators, or other parties.

(4) Solar Rebate. Pursuant to section 393.1030, RSMo, and this rule, electric utilities shall include in their tariffs a provision regarding retail account holder rebates for solar electric systems. These rebates shall be available to Missouri electric utility retail account holders who install new or expanded solar electric systems that become operational after December 31, 2009. The minimum amount of the rebate shall be two dollars (\$2.00) per installed watt up to a maximum of twenty-five (25) kW per retail account. To qualify for the solar rebate and the Standard Offer Contract of subsection (H) of this section, the customer-owned or leased solar generating equipment shall be interconnected with the electric utility's system.

(B) The solar electric system must be permanently installed on the account holder's premises. As installed, the solar electric system shall be situated in a location where a minimum of eighty-five percent (85%) of the solar resource is available to the system as verified by the customer or the customer's installer at the time of installation.

(D) Solar electric systems installed by retail account holders must consist of equipment that is commercially available and factory new when installed on the original account holder's premises, and the principal system components (i.e., photovoltaic modules and inverters) shall be covered by a functional warranty from the manufacturer for a minimum period of ten (10) years, unless determined otherwise by the commission, with the exception of solar battery components. Rebuilt, used, or refurbished equipment is not eligible to receive the rebate. For any applicable retail account, rebates shall be limited to twenty-five (25) kW. Retail accounts which have been awarded rebates for an aggregate of less than twenty-five (25) kW shall qualify to apply for rebates for system expansions up to an aggregate of twenty-five (25) kW. Systems greater than twenty-five (25) kW but less than one hundred (100) kW in size shall be eligible for a solar rebate up to the twenty-five (25) kW limit of this section.

(E) The solar electric system shall meet all requirements of 4 CSR 240-20.065, Net Metering, or a tariff approved by the commission for customer-owned generation.

(H) Standard Offer Contracts.

1. The electric utility may at the utility's discretion, offer a standard contract for the purchase of S-RECs created by the customer's

installed solar electric system.

2. If the electric utility chooses to offer a standard offer contract, the electric utility shall file tariff sheets detailing the provision of the contract no later than November 1 each year for the following compliance year. Workpapers documenting the purchase prices shall be submitted with the tariff filing.

3. No customer is required by this rule to sell any or all S-RECs to the electric utility.

(I) Electric utilities that have purchased S-RECs under a one (1)-time lump sum payment in accordance with subsection (H) of this section may continue to account for purchased S-RECs even if the owner of the solar electric system ceases to operate the system or the system is decertified as a renewable energy resource. S-RECs originated under this subsection shall only be utilized by the original purchasing utility for compliance with this rule. S-RECs originated under this subsection shall not be sold or traded.

(K) The electric utility shall provide a rebate offer for solar rebates within thirty (30) days of application and shall provide the solar rebate payment to qualified retail account holders within thirty (30) days of verification that the solar electric system is fully operational. Applicants who have received a solar rebate offer shall have up to twelve (12) months from the date of receipt of a rebate offer to demonstrate full operation of their proposed solar electric system. Full operation means the purchase and installation on the retail account holder's premises of all major system components of the on-site solar electric system and production of rated electrical generation. If full operation is not achieved within six (6) months of acceptance of the Standard Offer Contract or rebate offer, in order to keep eligibility for the rebate offer and/or the Standard Offer Contract, the applicant shall file a report with the electric utility demonstrating substantial project progress and indicating continued interest in the rebate. The six (6)-month report shall include proof of purchase of the majority of the solar electric system components, partial system construction, and building permit if required by the jurisdictional authority. Customers who do not demonstrate substantial progress within six (6) months of receipt of the rebate offer, or achieve full operation within one (1) year of receipt of rebate offer, will be required to reapply for any solar rebate.

#### (5) Retail Rate Impact.

(A) The retail rate impact, as calculated in subsection (5)(B), may not exceed one percent (1%) for prudent costs of renewable energy resources directly attributable to RES compliance. The retail rate impact shall be calculated on an incremental basis for each planning year that includes the addition of renewable generation directly attributable to RES compliance through procurement or development of renewable energy resources, averaged over the succeeding ten (10)-year period, and shall exclude renewable energy resources owned or under contract prior to the effective date of this rule.

(B) The RES retail rate impact shall be determined by subtracting the total retail revenue requirement incorporating an incremental non-renewable generation and purchased power portfolio from the total retail revenue requirement including an incremental RES-compliant generation and purchased power portfolio. The non-renewable generation and purchased power portfolio shall be determined by adding to the utility's existing generation and purchased power resource portfolio additional non-renewable resources sufficient to meet the utility's needs on a least-cost basis for the next ten (10) years. The RES-compliant portfolio shall be determined by adding to the utility's existing generation and purchased power resource portfolio an amount of renewable resources sufficient to achieve the standard set forth in section (2) of this rule and an amount of least-cost non-renewable resources, the combination of which is sufficient to meet the utility's needs for the next ten (10) years. These renewable energy resource additions will utilize the most recent electric utility resource planning analysis. These comparisons will be conducted utilizing projections of the incremental revenue requirement for new renewable energy resources, less the avoided cost of fuel not pur-

chased for non-renewable energy resources due to the addition of renewable energy resources. In addition, the projected impact on revenue requirements by non-renewable energy resources shall be increased by the expected value of greenhouse gas emissions compliance costs, assuming that such costs are made at the expected value of the cost per ton of greenhouse gas emissions allowances, cost per ton of a greenhouse gas emissions tax (e.g., a carbon tax), or the cost per ton of greenhouse gas emissions reductions for any greenhouse gas emission reduction technology that is applicable to the utility's generation portfolio, whichever is lower. Calculations of the expected value of costs associated with greenhouse gas emissions shall be derived by applying the probability of the occurrence of future greenhouse gas regulations to expected level(s) of costs per ton associated with those regulations over the next ten (10) years. Any variables utilized in the modeling shall be consistent with values established in prior rate proceedings, electric utility resource planning filings, or RES compliance plans, unless specific justification is provided for deviations. The comparison of the rate impact of renewable and non-renewable energy resources shall be conducted only when the electric utility proposes to add incremental renewable energy resource generation directly attributable to RES compliance through the procurement or development of renewable energy resources.

(D) For purposes of the determination in accordance with subsection (B) of this section, if the revenue requirement including the RES-compliant resource mix, averaged over the succeeding ten (10)-year period, exceeds the revenue requirement that includes the non-renewable resource mix by more than one percent (1%), the utility shall adjust downward the proportion of renewable resources so that the average annual revenue requirement differential does not exceed one percent (1%). In making this adjustment, the solar requirement shall be in accordance with subsection (2)(F) of this rule. Prudently incurred costs to comply with the RES standard, and passing this rate impact test, may be recovered in accordance with section (6) of this rule or through a rate proceeding outside or in a general rate case.

(E) Costs or benefits attributed to compliance with a federal renewable energy standard or portfolio requirement shall be considered as part of compliance with the Missouri RES if they would otherwise qualify under the Missouri RES without regard to the federal requirements.

(6) Cost Recovery and Pass-through of Benefits. An electric utility outside or in a general rate proceeding may file an application and rate schedules with the commission to establish, continue, modify, or discontinue a Renewable Energy Standard Rate Adjustment Mechanism (RESRAM) that shall allow for the adjustment of its rates and charges to provide for recovery of prudently incurred costs or pass-through of benefits received as a result of compliance with RES requirements; provided that the RES compliance retail rate impact on average retail customer rates does not exceed one percent (1%) as determined by section (5) of this rule. In all RESRAM applications, the increase in electric utility revenue requirements shall be calculated as the amount of additional RES compliance costs incurred since the electric utility's last RESRAM application or general rate proceeding, net of any reduction in RES compliance costs included in the electric utility's prior RESRAM application or general rate case, and any new RES compliance benefits.

(A) If the actual increase in utility revenue requirements is less than two percent (2%), subsection (B) of this section shall be utilized. If the actual increase in utility revenue requirements is equal to or greater than two percent (2%), subsection (C) of this section shall be utilized. For the initial filing by the electric utility in accordance with this section, subsection (C) of this section shall be utilized, except that the staff, and individuals or entities granted intervention by the commission, may file a report or comments no later than one hundred twenty (120) days after the electric utility files its application and rate schedules to establish a RESRAM.

1. The pass-through of benefits has no single-year cap or limit.
2. Any party in a rate proceeding in which an RESRAM is in

effect or proposed may seek to continue as is, modify, or oppose the RESRAM. The commission shall approve, modify, or reject such applications and rate schedules to establish an RESRAM only after providing the opportunity for an evidentiary hearing.

3. If the electric utility incurs costs in complying with the RES requirements that exceed the one percent (1%) limit determined in accordance with section (5) of this rule for any year, those excess costs may be carried forward to future years for cost recovery under this rule. Any costs carried forward shall have a carrying cost applied to them monthly equal to the electric utility's cost of short-term borrowing rate. These carried forward costs plus accrued carrying costs plus additional annual costs remain subject to the one percent (1%) limit for any subsequent years. In any calendar year that costs from a previous compliance year are carried forward, the carried forward costs will be considered for cost recovery prior to any new costs for the current calendar year.

4. For ownership investments in eligible renewable energy technologies in an RESRAM application, the electric utility shall be entitled to a rate of return equal to the electric utility's most recent authorized rate of return on rate base. Recovery of the rate of return for investment in renewable energy technologies in an RESRAM application is subject to the one percent (1%) limit specified in section (5) of this rule.

5. Upon the filing of proposed rate schedules with the commission seeking to recover costs or pass-through benefits of RES compliance, the commission will provide general notice of the filing.

6. The electric utility shall provide the following notices to its customers, with such notices to be approved by the commission in accordance with paragraph 7. of this subsection before the notices are sent to customers:

A. An initial, one (1)-time notice to all potentially affected customers, such notice being sent to customers no later than when customers will receive their first bill that includes an RESRAM, explaining the utility's RES compliance and identifying the statutory authority under which it is implementing an RESRAM;

B. An annual notice to affected customers each year that an RESRAM is in effect explaining the continuation of its RESRAM and RES compliance; and

C. An RESRAM line item on all customer bills, which informs the customers of the presence and amount of the RESRAM.

7. Along with the electric utility's filing of proposed rate schedules to establish an RESRAM, the utility shall file the following items with the commission for approval or rejection, and the Office of the Public Counsel (OPC) may, within ten (10) days of the utility's filing of this information, submit comments regarding these notices to the commission:

A. An example of the notice required by subparagraph (A)6.A. of this section;

B. An example of the notice required by subparagraph (A)6.B. of this section; and

C. An example customer bill showing how the RESRAM will be described on affected customers' bills in accordance with subparagraph (A)6.C. of this section.

8. An electric utility may effectuate a change in RESRAM no more often than one (1) time during any calendar year, not including changes as a result of paragraph 11. of this subsection.

9. Submission of Surveillance Monitoring Reports. Each electric utility with an approved RESRAM shall submit to staff, OPC, and parties approved by the commission a Surveillance Monitoring Report. The form of the Surveillance Monitoring Report is included herein.

A. The Surveillance Monitoring Report shall be submitted within fifteen (15) days of the electric utility's next scheduled United States Securities and Exchange Commission (SEC) 10-Q or 10-K filing with the initial submission within fifteen (15) days of the electric utility's next scheduled SEC 10-Q or 10-K filing following the effective date of the commission order establishing the RESRAM.

B. If the electric utility also has an approved fuel rate adjust-

ment mechanism or environmental cost recovery mechanism (ECRM), the electric utility shall submit a single Surveillance Monitoring Report for the RESRAM, ECRM, the fuel rate adjustment mechanism, or any combination of the three (3). The electric utility shall designate on the single Surveillance Monitoring Report whether the submission is for RESRAM, ECRM, fuel rate adjustment mechanism, or any combination of the three (3).

C. Upon a finding that a utility has knowingly or recklessly provided materially false or inaccurate information to the commission regarding the surveillance data prescribed in this paragraph, after notice and an opportunity for a hearing, the commission may suspend an RESRAM or order other appropriate remedies as provided by law.

10. The RESRAM will be calculated as a percentage of the customer's energy charge for the applicable billing period.

11. Commission approval of proposed rate schedules, to establish or modify an RESRAM, shall in no way be binding upon the commission in determining the ratemaking treatment to be applied to RES compliance costs during a subsequent general rate proceeding when the commission may undertake to review the prudence of such costs. In the event the commission disallows, during a subsequent general rate proceeding, recovery of RES compliance costs previously in an RESRAM, or pass-through of benefits previously in an RESRAM, the electric utility shall offset its RESRAM in the future as necessary to recognize and account for any such costs or benefits. The offset amount shall include a calculation of interest at the electric utility's short-term borrowing rate as calculated in subparagraph (A)26.A. of this section. The RESRAM offset will be designed to reconcile such disallowed costs or benefits within the six (6)-month period immediately subsequent to any commission order regarding such disallowance.

12. At the end of each twelve (12)-month period that an RESRAM is in effect, the electric utility shall reconcile the differences between the revenues resulting from the RESRAM and the pretax revenues as found by the commission for that period and shall submit the reconciliation to the commission with its next sequential proposed rate schedules for RESRAM continuation or modification.

13. An electric utility that has implemented an RESRAM shall file revised RESRAM rate schedules to reset the RESRAM to zero (0) when new base rates and charges become effective following a commission report and order establishing customer rates in a general rate proceeding that incorporates RES compliance costs or benefits previously reflected in an RESRAM in the utility's base rates. If an over- or under-recovery of RESRAM revenues or over- or under-pass-through of RESRAM benefits exists after the RESRAM has been reset to zero (0), that amount of over- or under-recovery, or over- or under-pass-through, shall be tracked in an account and considered in the next RESRAM filing of the electric utility.

14. Upon the inclusion of RES compliance cost or benefit pass-through previously reflected in an RESRAM into an electric utility's base rates, the utility shall immediately thereafter reconcile any previously unreconciled RESRAM revenues or RESRAM benefits and track them as necessary to ensure that revenues or pass-through benefits resulting from the RESRAM match, as closely as possible, the appropriate pretax revenues or pass-through benefits as found by the commission for that period.

15. In addition to the information required by subsection (B) or (C) of this section, the electric utility shall also provide the following information when it files proposed rate schedules with the commission seeking to establish, modify, or reconcile an RESRAM:

A. A description of all information posted on the utility's website regarding the RESRAM; and

B. A description of all instructions provided to personnel at the utility's call center regarding how those personnel should respond to calls pertaining to the RESRAM.

16. RES compliance costs shall only be recovered through an RESRAM or as part of a general rate proceeding and shall not be considered for cost recovery through an environmental cost recovery

mechanism or fuel adjustment clause or interim energy charge.

17. Pre-existing adjustment mechanisms, tariffs, and regulatory plans. The provisions of this rule shall not affect—

A. Any adjustment mechanism, rate schedule, tariff, incentive plan, or other ratemaking mechanism that was approved by the commission and in effect prior to the effective date of this rule; and

B. Any experimental regulatory plan that was approved by the commission and in effect prior to the effective date of this rule.

18. Each electric utility with an RESRAM shall submit, with an affidavit attesting to the veracity of the information, the following information on a monthly basis to the manager of the auditing department of the commission and the OPC. The information may be submitted to the manager of the auditing department through the electronic filing and information system (EFIS). The following information shall be aggregated by month and supplied no later than sixty (60) days after the end of each month when the RESRAM is in effect. The first submission shall be made within sixty (60) days after the end of the first complete month after the RESRAM goes into effect. It shall contain, at a minimum—

A. The revenues billed pursuant to the RESRAM by rate class and voltage level, as applicable;

B. The revenues billed through the electric utility's base rate allowance by rate class and voltage level;

C. All significant factors that have affected the level of RESRAM revenues along with workpapers documenting these significant factors;

D. The difference, by rate class and voltage level, as applicable, between the total billed RESRAM revenues and the projected RESRAM revenues;

E. Any additional information ordered by the commission to be provided; and

F. To the extent any of the requested information outlined above is provided in response to another section, the information only needs to be provided once.

19. Information required to be filed with the commission or submitted to the manager of the auditing department of the commission and to OPC in this section shall also be, in the same format, served on or submitted to any party to the related rate proceeding in which the RESRAM was approved by the commission, periodic adjustment proceeding, prudence review, or general rate case to modify, continue, or discontinue the same RESRAM, pursuant to the procedures in 4 CSR 240-2.135 for handling confidential information, including any commission order issued thereunder.

20. A person or entity granted intervention in a rate proceeding in which an RESRAM is approved by the commission shall be a party to any subsequent related periodic adjustment proceeding or prudence review, without the necessity of applying to the commission for intervention. In any subsequent general rate proceeding, such person or entity must seek and be granted status as an intervenor to be a party to that case. Affidavits, testimony, information, reports, and workpapers to be filed or submitted in connection with a subsequent related periodic adjustment proceeding, prudence review, or general rate case to modify, continue, or discontinue the same RESRAM shall be served on or submitted to all parties from the prior related rate proceeding and on all parties from any subsequent related periodic adjustment proceeding, prudence review, or general rate case to modify, continue, or discontinue the same RESRAM, concurrently with filing the same with the commission or submitting the same to the manager of the auditing department of the commission and OPC, pursuant to the procedures in 4 CSR 240-2.135 for handling confidential information, including any commission order issued thereunder.

21. A person or entity not a party to the rate proceeding in which an RESRAM is approved by the commission may timely apply to the commission for intervention, pursuant to sections 4 CSR 240-2.075(2) through (4) of the commission's rule on intervention, respecting any related subsequent periodic adjustment proceeding, or prudence review, or, pursuant to sections 4 CSR 240-2.075(1)

through (5), respecting any subsequent general rate case to modify, continue, or discontinue the same RESRAM. If no party to a subsequent periodic adjustment proceeding or prudence review objects within ten (10) days of the filing of an application for intervention, the applicant shall be deemed as having been granted intervention without a specific commission order granting intervention, unless, within the above-referenced ten (10)-day period, the commission denies the application for intervention on its own motion. If an objection to the application for intervention is filed on or before the end of the above-referenced ten (10)-day period, the commission shall rule on the application and the objection within ten (10) days of the filing of the objection.

22. The results of discovery from a rate proceeding where the commission may approve, modify, reject, continue, or discontinue an RESRAM, or from any subsequent periodic adjustment proceeding or prudence review relating to the same RESRAM, may be used without a party resubmitting the same discovery requests (data requests, interrogatories, requests for production, requests for admission, or depositions) in the subsequent proceeding to parties that produced the discovery in the prior proceeding, subject to a ruling by the commission concerning any evidentiary objection made in the subsequent proceeding.

23. If a party which submitted data requests relating to a proposed RESRAM in the rate proceeding where the RESRAM was established or in any subsequent related periodic adjustment proceeding or prudence review wants the responding party to whom the prior data requests were submitted to supplement or update that responding party's prior responses for possible use in a subsequent related periodic adjustment proceeding, prudence review, or general rate case to modify, continue, or discontinue the same RESRAM, the party which previously submitted the data requests shall submit an additional data request to the responding party to whom the data requests were previously submitted which clearly identifies the particular data requests to be supplemented or updated and the particular period to be covered by the updated response. A responding party to a request to supplement or update shall supplement or update a data request response from a related rate proceeding where an RESRAM was established, reviewed for prudence, modified, continued, or discontinued, if the responding party has learned or subsequently learns that the data request response is in some material respect incomplete or incorrect.

24. Each rate proceeding where commission establishment, continuation, modification, or discontinuation of an RESRAM is the sole issue shall comprise a separate case. The same procedures for handling confidential information shall apply, pursuant to 4 CSR 240-2.135, as in the immediately preceding RESRAM case for the particular electric utility, unless otherwise directed by the commission on its own motion or as requested by a party and directed by the commission.

25. In addressing certain discovery matters and the provision of certain information by electric utilities, this rule is not intended to restrict the discovery rights of any party.

26. Prudence reviews respecting an RESRAM. A prudence review of the costs subject to the RESRAM shall be conducted no less frequently than at intervals established in the rate proceeding in which the RESRAM is established.

A. All amounts ordered refunded by the commission shall include interest at the electric utility's short-term borrowing rate. The interest shall be calculated on a monthly basis for each month the RESRAM rate is in effect, equal to the weighted average interest rate paid by the electric utility on short-term debt for that calendar month. This rate shall then be applied to a simple average of the same month's beginning and ending cumulative RESRAM over-collection or under-collection balance. Each month's accumulated interest shall be included in the RESRAM over-collection or under-collection balances on an ongoing basis.

B. The staff shall submit a recommendation regarding its examination and analysis to the commission not later than one hundred eighty (180) days after the staff initiates its prudence audit. The



staff shall file notice within ten (10) days of starting its prudence audit. The commission shall issue an order not later than two hundred ten (210) days after the staff commences its prudence audit if no party to the proceeding in which the prudence audit is occurring files, within one hundred ninety (190) days of the staff's commencement of its prudence audit, a request for a hearing.

(I) If the staff, OPC, or other party auditing the RESRAM believes that insufficient information has been supplied to make a recommendation regarding the prudence of the electric utility's RESRAM, it may utilize discovery to obtain the information it seeks. If the electric utility does not timely supply the information, the party asserting the failure to provide the required information shall timely file a motion to compel with the commission. While the commission is considering the motion to compel the processing time line shall be suspended. If the commission then issues an order requiring the information to be provided, the time necessary for the information to be provided shall further extend the processing time line. For good cause shown the commission may further suspend this time line.

(II) If the time line is extended due to an electric utility's failure to timely provide sufficient responses to discovery and a refund is due to the customers, the electric utility shall refund all imprudently incurred costs plus interest at the electric utility's short-term borrowing rate. The interest shall be calculated on a monthly basis in the same manner as described in subparagraph (A)26.A. of this section.

(B) RESRAM for less than two percent (2%) actual increase in utility revenue requirements.

1. When an electric utility files proposed rate schedules pursuant to sections 393.1020 and 393.1030, RSMo, and the provisions of this rule, the commission staff shall conduct an examination of the proposed RESRAM.

2. The staff of the commission shall examine and analyze the information submitted by the electric utility to determine if the proposed RESRAM is in accordance with provisions of this rule and the statutes governing the RES and shall submit a report regarding its examination to the commission not later than sixty (60) days after the electric utility files its proposed rate schedules.

3. The commission may hold a hearing on the proposed rate schedules and shall issue an order to become effective not later than one hundred twenty (120) days after the electric utility files the proposed rate schedules.

4. If the commission finds that the proposed rate schedules or substitute filed rate schedules comply with the applicable requirements, the commission shall enter an order authorizing the electric utility to utilize said RESRAM rate schedules with an appropriate effective date, as determined by the commission.

5. At the time an electric utility files proposed rate schedules with the commission seeking to establish, modify, or reconcile an RESRAM, it shall submit its supporting documentation regarding the calculation of the proposed RESRAM and shall serve the Office of the Public Counsel with a copy of its proposed rate schedules and its supporting documentation. The utility's supporting documentation shall include workpapers showing the calculation of the proposed RESRAM and shall include, at a minimum, the following information:

A. A complete explanation of all of the costs, both capital and expense, incurred for RES compliance that the electric utility is proposing be included in rates and the specific account used for each item;

B. The state, federal, and local income or excise tax rates used in calculating the proposed RESRAM, and an explanation of the source of and the basis for using those tax rates;

C. The regulatory capital structure used in calculating the proposed RESRAM, and an explanation of the source of and the basis for using the capital structure;

D. The cost rates for debt and preferred stock used in calculating the proposed RESRAM, and an explanation of the source of

and the basis for using those rates;

E. The cost of common equity used in calculating the proposed RESRAM, and an explanation of the source of and the basis for that equity cost;

F. The depreciation rates used in calculating the proposed RESRAM, and an explanation of the source of and the basis for using those depreciation rates;

G. The rate base used in calculating the proposed RESRAM, including an updated depreciation reserve total incorporating the impact of all RES plant investments previously reflected in general rate proceedings or RESRAM application proceedings initiated following enactment of the RES rules;

H. The applicable customer class billing methodology used in calculating the proposed RESRAM, and an explanation of the source of and basis for using that methodology;

I. An explanation of how the proposed RESRAM is allocated among affected customer classes, if applicable; and

J. For purchase of electrical energy from eligible renewable energy resources bundled with the associated RECs or for the purchase of unbundled RECs, the cost of the purchases, and an explanation of the source of the energy or RECs and the basis for making that specific purchase, including an explanation of the request for proposal (RFP) process, or the reason(s) for not using an RFP process, used to establish which entity provided the energy or RECs associated with the RESRAM.

(C) RESRAM for equal to or greater than two percent (2%) actual increase in utility revenue requirements.

1. If an electric utility files an application and rate schedules to establish, continue, modify, or discontinue an RESRAM outside of a general rate proceeding, the staff shall examine and analyze the information filed in accordance with this section and additional information obtained through discovery, if any, to determine if the proposed RESRAM is in accordance with provisions of this rule and the statutes governing the RES. The commission shall establish a procedural schedule providing for an evidentiary hearing and commission report and order regarding the electric utility's filing. The staff shall submit a report regarding its examination and analysis to the commission not later than seventy-five (75) days after the electric utility files its application and rate schedules to establish an RESRAM. An individual or entity granted intervention by the commission may file comments not later than seventy-five (75) days after the electric utility files its application and rate schedules to establish an RESRAM. The electric utility shall have no less than fifteen (15) days from the filing of the staff's report and any intervenor's comments to file a reply. The commission shall have no less than thirty (30) days from the filing of the electric utility's reply to hold a hearing and issue a report and order approving the electric utility's rate schedules subject to or not subject to conditions, rejecting the electric utility's rate schedules, or rejecting the electric utility's rate schedules and authorizing the electric utility to file substitute rate schedules subject to or not subject to conditions.

2. When an electric utility files an application and rate schedules as described in this subsection, the electric utility shall file at the same time supporting direct testimony and the following supporting information as part of, or in addition to, its supporting direct testimony:

A. Proposed RESRAM rate schedules;

B. A general description of the design and intended operation of the proposed RESRAM;

C. A complete description of how the proposed RESRAM is compatible with the requirement for prudence reviews;

D. A complete explanation of all the costs that shall be considered for recovery under the proposed RESRAM and the specific account used for each cost item on the electric utility's books and records;

E. A complete explanation of all of the costs, both capital and expense, incurred for RES compliance that the electric utility is proposing be included in rates and the specific account used for each



cost item on the electric utility's books and records.

F. A complete explanation of all of the costs, both capital and expense, incurred for RES compliance that the electric utility is proposing be included in base rates and the specific account used for each cost item on the electric utility's books and records;

G. A complete explanation of all the revenues that shall be considered in the determination of the amount eligible for recovery under the proposed RESRAM and the specific account where each such revenue item is recorded on the electric utility's books and records;

H. A complete explanation of any feature designed into the proposed RESRAM or any existing electric utility policy, procedure, or practice that can be relied upon to ensure that only prudent costs shall be eligible for recovery under the proposed RESRAM;

I. For each of the major categories of costs, that the electric utility seeks to recover through its proposed RESRAM, a complete explanation of the specific rate class cost allocations and rate design used to calculate the proposed RES compliance revenue requirement and any subsequent RESRAM rate adjustments during the term of the proposed RESRAM; and

J. Any additional information that may have been ordered by the commission in a prior rate proceeding to be provided.

3. When an electric utility files rate schedules as described in this subsection, and serves upon parties as provided in paragraph (A)20. of this section, the rate schedules must be accompanied by supporting direct testimony, and at least the following supporting information:

A. The following information shall be included with the filing:

(I) For the period from which historical costs are used to adjust the RESRAM rate:

(a) REC costs differentiated by purchases, swaps, and loans;

(b) Net revenues from REC sales, swaps, and loans;

(c) Extraordinary costs not to be passed through, if any, due to such costs being an insured loss, or subject to reduction due to litigation, or for any other reason;

(d) Base rate component of RES compliance costs and revenues;

(e) Identification of capital projects placed in service that were not anticipated in the previous general rate proceeding; and

(f) Any additional requirements ordered by the commission in the prior rate proceeding;

(II) The levels of RES compliance capital costs and expenses in the base rate revenue requirement from the prior general rate proceeding;

(III) The levels of RES compliance capital cost in the base rate revenue requirement from the prior general rate proceeding as adjusted for the proposed date of the periodic adjustment;

(IV) The capital structure as determined in the prior rate proceeding;

(V) The cost rates for the electric utility's debt and preferred stock as determined in the prior rate proceeding;

(VI) The electric utility's cost of common equity as determined in the prior rate proceeding;

(VII) The rate base used in calculating the proposed RESRAM, including an updated depreciation reserve total incorporating the impact of all RES plant investments previously reflected in general rate proceedings or RESRAM application proceedings initiated following enactment of the RES rules; and

(VIII) Calculation of the proposed RESRAM collection rates; and

B. Work papers supporting all items in subparagraph (C)3.A. of this section shall be submitted to the manager of the auditing department and served upon parties as provided in paragraph (A)20. in this section. The work papers may be submitted to the manager of the auditing department through EFIS.

(D) Alternatively, an electric utility may recover RES compliance

costs without use of the RESRAM procedure through rates established in a general rate proceeding. In the interim between general rate proceedings the electric utility may defer the costs in a regulatory asset account, and monthly calculate a carrying charge on the balance in that regulatory asset account equal to its short-term cost of borrowing. All questions pertaining to rate recovery of the RES compliance costs in a subsequent general rate proceeding will be reserved to that proceeding, including the prudence of the costs for which rate recovery is sought and the period of time over which any costs allowed rate recovery will be amortized. Any rate recovery granted to RES compliance costs under this alternative approach will be fully subject to the retail rate impact requirements set forth in section (5) of this rule.

(7) Annual RES Compliance Report and RES Compliance Plan. Each electric utility shall file an RES compliance report no later than April 15 to report on the status of the utility's compliance with the renewable energy standard and the electric utility's compliance plan as described in this section for the most recently completed calendar year. The initial annual RES compliance report shall be filed by April 15, 2012, for the purpose of providing the necessary information for the first RES compliance year (2011). Each electric utility shall file an annual RES compliance plan with the commission. The plan shall be filed no later than April 15 of each year.

(A) Annual RES Compliance Report.

1. The annual RES compliance report shall provide the following information for the most recently completed calendar year for the electric utility:

A. Total retail electric sales for the utility, as defined by this rule;

B. Total jurisdictional revenue from the total retail electric sales to Missouri customers as measured at the customers' meters;

C. Total retail electric sales supplied by renewable energy resources, as defined by section 393.1025(5), RSMo, including the source of the energy;

D. The number of RECs and S-RECs created by electrical energy produced by renewable energy resources owned by the electric utility. For the electrical energy produced by these utility-owned renewable energy resources, the value of the energy created. For the RECs and S-RECs, a calculated REC or S-REC value for each source and each category of REC;

E. The number of RECs acquired, sold, transferred, or retired by the utility during the calendar year;

F. The source of all RECs acquired during the calendar year;

G. The identification, by source and serial number, of any RECs that have been carried forward to a future calendar year;

H. An explanation of how any gains or losses from sale or purchase of RECs for the calendar year have been accounted for in any rate adjustment mechanism that was in effect for the electric utility;

I. For acquisition of electrical energy and/or RECs from a renewable energy resource that is not owned by the electric utility, the following information for each resource that has a rated capacity of ten (10) kW or greater:

(I) Name, address, and owner of the facility;

(II) An affidavit from the owner of the facility certifying that the energy was derived from an eligible renewable energy technology and that the renewable attributes of the energy have not been used to meet the requirements of any other local or state mandate;

(III) The renewable energy technology utilized at the facility;

(IV) The dates and amounts of all payments from the electric utility to the owner of the facility; and

(V) All meter readings used for calculation of the payments referenced in part (IV) of this paragraph;

J. The total number of customers that applied and received a solar rebate in accordance with section (4) of this rule;

K. The total number of customers that were denied a solar

rebate and the reason(s) for denial;

L. The amount of funds expended by the electric utility for solar rebates, including the price and terms of future S-REC contracts associated with the facilities that qualified for the solar rebates;

M. An affidavit documenting the electric utility's compliance with the RES compliance plan as described in this section during the calendar year. This affidavit will include a description of the amount of over- or under-compliance costs that shall be adjusted in the electric utility's next compliance plan; and

N. If compliance was not achieved, an explanation why the electric utility failed to meet the RES.

2. On the same date that the electric utility files its annual RES compliance report, the utility shall post an electronic copy of its annual RES compliance report, excluding highly confidential or proprietary material, on its website to facilitate public access and review.

3. On the same date that the electric utility files its annual RES compliance report, the utility shall provide the commission with separate electronic copies of its annual RES compliance report including and excluding highly confidential and proprietary material. The commission shall place the redacted electronic copies of each electric utility's annual RES compliance reports on the commission's website in order to facilitate public viewing, as appropriate.

(B) RES Compliance Plan.

1. The plan shall cover the current year and the immediately following two (2) calendar years. The RES compliance plan shall include, at a minimum—

A. A specific description of the electric utility's planned actions to comply with the RES;

B. A list of executed contracts to purchase RECs (whether or not bundled with energy), including type of renewable energy resource, expected amount of energy to be delivered, and contract duration and terms;

C. The projected total retail electric sales for each year;

D. Any differences, as a result of RES compliance, from the utility's preferred resource plan as described in the most recent electric utility resource plan filed with the commission in accordance with 4 CSR 240-22, Electric Utility Resource Planning;

E. A detailed analysis providing information necessary to verify that the RES compliance plan is the least cost, prudent methodology to achieve compliance with the RES;

F. A detailed explanation of the calculation of the RES retail impact limit calculated in accordance with section (5) of this rule. This explanation should include the pertinent information for the planning interval which is included in the RES compliance plan; and

G. Verification that the utility has met the requirements for not causing undue adverse air, water, or land use impacts pursuant to subsection 393.1030.4. RSMo, and the regulations of the Department of Natural Resources.

(D) The staff of the commission shall examine each electric utility's annual RES compliance report and RES compliance plan and file a report of its review with the commission within forty-five (45) days of the filing of the annual RES compliance report and RES compliance plan with the commission. The staff's report shall identify any deficiencies in the electric utility's compliance with the RES.

(E) The Office of the Public Counsel and any interested persons or entities may file comments based on their review of the electric utility's annual RES compliance report and RES compliance plan within forty-five (45) days of the electric utility's filing of its compliance report with the commission.

(8) Penalties. An electric utility shall be subject to penalties of at least twice the average market value of RECs or S-RECs for the calendar year for failure to meet the targets of section 393.1030.1, RSMo, and section (2) of this rule.

(A) Any allegation of a failure to comply with the RES requirements shall be filed as a complaint under the statutes and regulations governing complaints.

(B) An electric utility shall be excused if it proves to the commis-

sion that failure was due to events beyond its reasonable control that could not have been reasonably mitigated or to the extent that the maximum average retail rate impact increase, as determined in accordance with section (5) of this rule, would be exceeded.

(C) Any penalty payments assessed by the courts shall be remitted to the department. These payments shall be utilized by the department for the following purposes:

1. Purchase RECs or S-RECs in sufficient quantity to offset the shortfall of the utility to meet the RES requirements; and

2. Payments in excess of those required in paragraph (C)1. of this section shall be utilized to provide funding for renewable energy and energy efficiency projects. These projects shall be selected by the Department of Natural Resources in consultation with the staff.

(D) Upon determination by the commission that an electric utility has not complied with the RES, penalty amounts shall be calculated by determining the electric utility's shortfall relative to RES total requirements and RES solar energy requirements for the calendar year. The penalty amount recommended by the commission to the court of jurisdiction shall be twice the average market value during the calendar year for RECs or S-RECs in sufficient quantity to make up the utility's shortfall for RES total requirements or RES solar energy requirements. The average market value for RECs or S-RECs for the calendar year shall be based on RECs and S-RECs utilized for compliance with this rule. A recommended average market value for the compliance period shall be calculated by staff. The Office of the Public Counsel and any interested persons or entities may file comments based on their review of staff's recommendation. The commission may issue an order which establishes a further procedural schedule, or the commission may determine the average market value as part of the complaint proceeding.

(E) Any electric utility that is subject to penalties as prescribed by this section shall not seek recovery of the penalties through section (6) of this rule or any other rate-making activity.

(9) Nothing in this rule shall preclude a complaint case from being filed, as provided by law, on the grounds that an electric utility is earning more than a fair return on equity, nor shall an electric utility be permitted to use the existence of its RESRAM as a defense to a complaint case based upon an allegation that it is earning more than a fair return on equity.

(10) Waivers and Variances. Upon written application, and after notice and an opportunity for hearing, the commission may waive or grant a variance from a provision of this rule for good cause shown.

(A) The granting of a variance to one (1) electric utility which waives or otherwise affects the required compliance with a provision of this rule does not constitute a waiver respecting, or otherwise affect, the required compliance of any other electric utility.

(B) The commission may not waive or grant a variance from this rule in total.

*REVISED PRIVATE FISCAL NOTE: The cost to private entities may have originally been estimated too low. However, the commission has made substantial changes to the rule text which should have caused the fiscal cost to be in line with what was originally reported. Therefore, the commission has attached a revised fiscal note with new assumptions.*

*\*Ruling by the Joint Committee on Administrative Rules. On July 1, 2010, the Joint Committee on Administrative Rules voted to disapprove subsection (2)(A) and paragraph (2)(B)2. of 4 CSR 240-20.100. Those portions contained provisions on geographic sourcing. The committee considered those portions which were disapproved to be held in abeyance and asked that they not be published.*

**REVISED FISCAL NOTE**

**PRIVATE COST**

**I. RULE NUMBER**

<b>Rule Number and Name</b>	<b>Type of Rulemaking</b>
4 CSR 240-20.100 Electric Utility Renewable Energy Standard Requirements	Proposed Rule

**II. SUMMARY OF FISCAL IMPACT**

<b>Estimated number of entities that will likely be affected by adoption of the rule.</b>	<b>Types of entities that will likely be affected by adoption of the rule.</b>	<b>Estimated aggregate cost of compliance with the rule by the affected entities.</b>	
4	Investor-owned electric utilities	2011	\$45,598,989
		2012	\$51,140,062
		2013	\$51,696,417
		2014	\$51,766,263

**III. WORKSHEET**

Estimated aggregate cost of compliance is based on information provided by the four (4) investor-owned electric utilities. The specific information provided was deemed Highly Confidential by the utilities unless it was utilized to develop an aggregate number.

**IV. ASSUMPTIONS**

If adopted, this proposed rule will prescribe requirements and procedures for electric utility compliance with the Missouri Renewable Energy Standard. The Missouri Renewable Energy Standard (RES) was enacted by Initiative Petition on November 4, 2008. The RES includes certain requirements for the utilization of renewable sources for generation of electric energy. The requirements increase incrementally, beginning in 2011. The last incremental change is in 2021, with the requirements of 2021 continuing forward beyond that year. The estimated aggregate cost to Missouri electric utilities is provided for the first four (4) years. Similar costs could be incurred through at least 2021.

The original fiscal note considered entities that would need to comply with the rule which are the four investor-owned electric utilities in the state. It has been suggested during the course of the Joint Committee on Administrative Rules process that the original fiscal note was underestimated<sup>1</sup> because it does not contain the cost of compliance with a mandatory standard offer contract. The commission has revised the rule to make the standard offer contract discretionary. Thus, that cost need not be included here.

The commission has also reconsidered the fiscal note in light of the amendments to the retail rate impact changing from an incremental approach to a cumulative approach. The commission also assumes that this will greatly lower the cost of compliance with the rule as it will decrease the cost on electric utility consumers. However, because it was suggested that the original fiscal note estimating compliance was too low, the commission will not revise the dollar amounts in the fiscal note as they should still represent the cost of an electric utility to comply with the portfolio requirements as set out in Proposition C.

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<sup>1</sup> *Dissent of Commissioner Jeff Davis to the Final Proposed Order of Rulemaking for 4 CSR 240-20.100 and 4 CSR 240-3.156*, issued June 2, 2010; suggesting that the standard offer contract would cost an additional \$210,000,000. *Letter from Edward Downey, attorney for Missouri Industrial Energy Consumers, to Cindy Kadlec, Director, Joint Committee on Administrative Rules*, dated June 22, 2010; suggests that the cost to comply could be \$90 million higher each year from 2011-2013, \$250 million higher each year from 2014-2017, and \$500 million higher from 2018-2020.



STATE OF MISSOURI  
JOINT COMMITTEE ON ADMINISTRATIVE RULES

CINDY KADLEC, DIRECTOR

STATE CAPITOL, ROOM B-8  
JEFFERSON CITY, MO 65101

July 1, 2010

PHONE (573) 751-2443  
FAX (573) 751-4778

The Honorable Robin Carnahan  
Office of the Secretary of State  
State of Missouri  
State Information Center  
Jefferson City, MO

RECEIVED

JUL 02 2010

SECRETARY OF STATE  
ADMINISTRATIVE RULES

RE: Department of Economic Development  
Public Service Commission  
Renewable Energy  
4 CSR 240-20.100 Electric Utility Renewable Energy Standard Requirements

Dear Secretary Carnahan:

The Public Service Commission today filed with the Joint Committee on Administrative Rules an Amended Order of Rulemaking for the above-referenced rule. The Joint Committee on Administrative Rules has conducted hearings on this rule.

This letter is to inform you that the Joint Committee on Administrative Rules voted today to disapprove specific portions of rule 4 CSR 240-20.100. Those specific portions of the rule disapproved were (2)(A) and (2)(B)2, which contain provisions on geographic sourcing. Included in the Committee's motion was an action to approve the remaining portions of this rule and waive any further time the Committee may have to conduct hearings on the rule. The Committee considers those portions which were disapproved to be held in abeyance at this time and asks that you not publish those portions of the rule.

I appreciate your cooperation in resolving this matter.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Luann Ridgeway', written over a circular stamp or seal.

Senator Luann Ridgeway  
Chairman Joint Committee on Administrative Rules

cc: Secretary of the Senate  
Chief Clerk, House of Representatives

**BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI**

In the Matter of a Proposed Rulemaking )	
Regarding Electric Utility Renewable )	<b><u>File No. EX-2010-0169</u></b>
Energy Standard Requirements )	

**DISSENTING OPINION OF  
COMMISSIONER TERRY M. JARRETT**

The law is clear and I strongly oppose the majority's decision with regard to its approval of filing with the Secretary of State the second/revised Order of Rulemaking of this Commission without compliance with the provisions of Section 536.073.8 RSMo 2009. That section makes it clear that this agency shall "not file [any] disapproved portion of any rule with the secretary of state ..." if the joint committee on administrative rules disapproves any rule or portion thereof. On July 1, 2010 the Joint Committee on Administrative Rules voted to disapprove sections 4 CSR 240-20.100(2)(A) and 4 CSR 240-20.100(2)(B)2 and to hold these sections in abeyance. In a letter dated July 1, 2010, by Senator Luann Ridgeway, Chairman Joint Committee on Administrative Rules to the Missouri Secretary of State, this information is communicated while also informing the Secretary to refrain from publishing the disapproved sections.<sup>1</sup>

The Missouri Public Service Commission, however, by a 3-2 vote, has determined that it will overlook the mandatory statutory obligations assigned to it under Section 536.073.8 and has directed the Secretary of the Commission to *submit*<sup>2</sup> the Amended

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<sup>1</sup> State of Missouri, Joint Committee on Administrative Rules, Letter from the Honorable Luann Ridgeway, July 1, 2010 to the Honorable Secretary of State Robin Carnahan.

<sup>2</sup> Section 536.021.1 requires this Commission to *file*, not submit the final Order of Rulemaking to the Secretary of State. I do not know what the majority means by the term "submit" but I assume it means something different then the term "file" in that they chose not to use "file" which is contained in the law.

Rule, in its complete form, without regard to the law. Because the rule being presented to the Secretary of State is not in conformance with the law, I respectfully dissent.

Focus on the outcome or effect of following the law is not a matter for deliberation by this Commission; rather, this Commission's charge is plain, straightforward and simple - that is, to follow the law, not to ignore it as it sees fit. John Adams once said, "we are a nation of laws, not men." I am afraid that the majority's action today turns that bedrock principle on its head.

Respectfully Submitted,



Terry M. Jarrett

Submitted this 6<sup>th</sup> day of July, 2010.

## BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

In the Matter of a Proposed Rulemaking )  
Regarding Electric Utility Renewable )  
Energy Standard Requirements. )

File No. EX-2010-0169

### DISSENT OF COMMISSIONER JEFF DAVIS TO AUTHORIZE FILING OF RENEWABLE ENERGY STANDARDS RULES WITH THE SECRETARY OF STATE

I respectfully dissent with the majority of my Commission colleagues in their decision to transmit the entire rule to the Secretary of State including those portions specifically disapproved of by the Joint Committee on Administrative Rules (JCAR). I concur with Commissioner Jarrett's dissent and wish to offer a few more brief thoughts.

#### THE RULE ITSELF IS IMPROVED, BUT STILL NEEDS MUCH WORK:

First, the rule is improved. Had JCAR not intervened Missourians would be stuck with a standard offer contract that would enrich the solar industry at everyone else's expense and utilities would have been facing costly litigation over penalty provisions that everyone now recognizes as being unconstitutional. I am glad my colleagues came to their senses and voted to amend these provisions.

More importantly, JCAR did its job and should be lauded for stopping the geographic sourcing provisions of this regulation. These two provisions will cost tens, possibly hundreds of millions of dollars in the aggregate and those costs will ultimately be born by the ratepayers if adopted.

The rate cap language is also problematic. I heard counsel for Renew Missouri as well as my colleagues at times talk about the intent of the voters or legislative intent.



Everyone needs to get one thing straight – the majority wasn't following the intent of the voters in crafting this section. My impression and that of every disinterested person I asked is that they thought they were voting for a one percent rate cap or at worst one percent per year, not one percent over what projected rates would be otherwise.

**THE LAW IS NOT SILLY PUTTY FOR AGENCIES TO MOLD AS THEY SEE FIT:**

I might not be as eloquent as Commissioner Jarrett quoting John Adams, but my concerns are the same. The law is the law. It's not some guideline that we can disregard at will and read ambiguity into where there is absolutely none. It's designed to limit our actions as public officials, not to be treated like silly putty that we can mold into whatever we want it to be in order to achieve whatever particular purpose we might have at the time, no matter how noble that purpose may be. There is a simple solution: if you don't like the law, change it. We have separation of powers for a reason – to prevent one branch of government from overreaching the other two. There was a whole lot of overreaching going on in this rulemaking docket.

**I AM CONCERNED THAT THE PSC MAJORITY HAS DAMAGED OUR CREDIBILITY WITH THE MISSOURI GENERAL ASSEMBLY:**

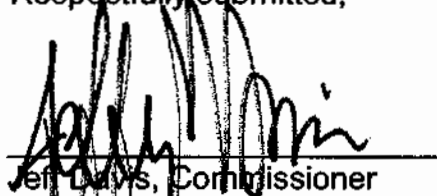
Finally, I am deeply concerned that the Commission majority's initial interpretation of the statutes in submitting the rule to JCAR and its subsequent course of conduct has damaged our credibility with the Missouri General Assembly. We have to appear in front of the legislature to testify on our budget and on numerous other policy issues. We need the legislature's support and I question whether they are going to be inclined to listen to us after this debacle.

The legislature has a number of tools at its disposal when dealing with administrative agencies. It would be unfortunate, but understandable if the PSC budget gets reduced, our

rulemaking authority gets restricted or nobody listens to us on an important policy issue as a result of these events.

For all of these reasons, I respectfully dissent.

Respectfully submitted,



Jeff Davis, Commissioner

Dated at Jefferson City, Missouri  
On this 6<sup>th</sup> day of July 2010.

**Title 7—DEPARTMENT OF TRANSPORTATION  
Division 10—Missouri Highways and Transportation  
Commission  
Chapter 1—Organization; General Provisions**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Highway and Transportation Commission under section 536.023, RSMo Supp. 2009, the commission amends a rule as follows:

**7 CSR 10-1.010 Description, Organization, and Information  
is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on March 15, 2010 (35 MoReg 539–541). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 9—DEPARTMENT OF MENTAL HEALTH  
Division 10—Director, Department of Mental Health  
Chapter 7—Core Rules for Psychiatric and Substance  
Abuse**

**ORDER OF RULEMAKING**

By the authority vested in the director of the Department of Mental Health under section 630.050, RSMo Supp. 2009 and section 630.055, RSMo 2000, the department amends a rule as follows:

**9 CSR 10-7.090 Governing Authority and Program Administration  
is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 15, 2010 (35 MoReg 645). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The department received no comments on the proposed amendment.

**Title 9—DEPARTMENT OF MENTAL HEALTH  
Division 30—Certification Standards  
Chapter 4—Mental Health Programs**

**ORDER OF RULEMAKING**

By the authority vested in the director of the Department of Mental Health under section 630.655, RSMo 2000, the department amends a rule as follows:

**9 CSR 30-4.035 is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 15, 2010 (35 MoReg 646). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The department received eight (8) comments on the proposed amendment.

COMMENT: The commenters all recommended that the language be changed in subsection (8)(A) to require client records to be made within seventy-two (72) business hours of service delivery to allow for holidays, weekends, and other situations such as processing case notes and obtaining required signatures. The comments included those from: Mary Parrigon of Ozark Center, Pat Berg Yapp and Andrew B. Greening of Preferred Family Healthcare, Tom Cranshaw and Christie Holm of Tri-County Mental Health Services, Inc., Terry Mackey of Arthur Center, Jean Schweer, and John Willison.

RESPONSE: The department agrees with these comments and has revised the rule as requested.

**9 CSR 30-4.035 Client Records of a Community Psychiatric  
Rehabilitation Program**

(8) Each client's record shall document services, activities, or sessions that involve the client.

(A) Client records shall be legible and made contemporaneously with the delivery of the service or within three (3) business days of the time the service was provided.

**Title 9—DEPARTMENT OF MENTAL HEALTH  
Division 30—Certification Standards  
Chapter 4—Mental Health Programs**

**ORDER OF RULEMAKING**

By the authority vested in the director of the Department of Mental Health under section 630.050, RSMo Supp. 2009 and sections 630.055 and 632.050, RSMo 2000, the department amends a rule as follows:

**9 CSR 30-4.042 Admissions Criteria is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 15, 2010 (35 MoReg 646–647). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The department received one (1) comment on the proposed amendment.

COMMENT: Jan Heumann with the New Horizons Community Support Services forwarded a comment in support of adding single episode depression as an eligible diagnosis for adults over the age of sixty (60) because it will allow the provider to implement services to this population who will now qualify under the rule.

RESPONSE: The department agrees with this comment in support of the proposed rulemaking. No changes have been made to the rule as a result of this comment.

**Title 15—ELECTED OFFICIALS  
Division 30—Secretary of State  
Chapter 45—Records Management**

**ORDER OF RULEMAKING**

By the authority vested in the secretary of state under section 109.221, RSMo 2000, the secretary amends a rule as follows:

**15 CSR 30-45.040 Missouri Historical Records Advisory Board  
(MHRAB) Regrant Program Administration is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 3, 2010 (35 MoReg 691). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**T**his section may contain notice of hearings, correction notices, public information notices, rule action notices, statements of actual costs, and other items required to be published in the *Missouri Register* by law.

**Title 7—DEPARTMENT OF TRANSPORTATION  
Division 10—Missouri Highways and  
Transportation Commission  
Chapter 25—Motor Carrier Operations**

**IN ADDITION**

**7 CSR 10-25.010 Skill Performance Evaluation Certificates for Commercial Drivers**

**PUBLIC NOTICE**

Public Notice and Request for Comments on Applications for Issuance of Skill Performance Evaluation Certificates to Intrastate Commercial Drivers with Diabetes Mellitus or Impaired Vision

**SUMMARY:** This notice publishes MoDOT's receipt of applications for the issuance of Skill Performance Evaluation (SPE) Certificates, from individuals who do not meet the physical qualification requirements in the Federal Motor Carrier Safety Regulations for drivers of commercial motor vehicles in Missouri intrastate commerce, because of impaired vision or an established medical history or clinical diagnosis of diabetes mellitus currently requiring insulin for control. If granted, the SPE Certificates will authorize these individuals to qualify as drivers of commercial motor vehicles (CMVs), in intrastate commerce only, without meeting the vision standard prescribed in 49 CFR 391.41(b)(10), if applicable, or the diabetes standard prescribed in 49 CFR 391.41(b)(3).

**DATES:** Comments must be received at the address stated below, on or before August 31, 2010.

**ADDRESSES:** You may submit comments concerning an applicant, identified by the Application Number stated below, by any of the following methods:

- **Email:** Kathy.Hatfield@modot.mo.gov
- **Mail:** PO Box 893, Jefferson City, MO 65102-0893
- **Hand Delivery:** 1320 Creek Trail Drive, Jefferson City, MO 65109
- **Instructions:** All comments submitted must include the agency name and Application Number for this public notice. For detailed instructions on submitting comments, see the Public Participation heading of the Supplementary Information section of this notice. All comments received will be open and available for public inspection and MoDOT may publish those comments by any available means.

**COMMENTS RECEIVED  
BECOME MoDOT PUBLIC RECORD**

- By submitting any comments to MoDOT, the person authorizes MoDOT to publish those comments by any available means.
- **Docket:** For access to the department's file, to read background documents or comments received, 1320 Creek Trail Drive, Jefferson City, MO 65109, between 7:30 a.m. and 4:00 p.m., CT, Monday through Friday, except state holidays.

**FOR FURTHER INFORMATION CONTACT:** Ms. Kathy Hatfield, Motor Carrier Specialist, (573) 522-9001, MoDOT Motor Carrier Services Division, PO Box 893, Jefferson City, MO 65102-0893. Office hours are from 7:30 a.m. to 4:00 p.m., CT, Monday through Friday, except state holidays.

**SUPPLEMENTARY INFORMATION:**

**Public Participation**

If you want us to notify you that we received your comments, please include a self-addressed, stamped envelope or postcard.

**Background**

The individuals listed in this notice have recently filed applications requesting MoDOT to issue SPE Certificates to exempt them from the physical qualification requirements relating to vision in 49 CFR 391.41(b)(10), or to diabetes in 49 CFR 391.41(b)(3), which otherwise apply to drivers of CMVs in Missouri intrastate commerce.

Under section 622.555, RSMo Supp. 2009, MoDOT may issue a Skill Performance Evaluation Certificate, for not more than a two (2)-year period, if it finds that the applicant has the ability, while operating CMVs, to maintain a level of safety that is equivalent to or greater than the driver qualification standards of 49 CFR 391.41. Upon application, MoDOT may renew an exemption upon expiration.

Accordingly, the agency will evaluate the qualifications of each applicant to determine whether issuing a SPE Certificate will comply with the statutory requirements and will achieve the required level of safety. If granted, the SPE Certificate is only applicable to intrastate transportation wholly within Missouri.

**Qualifications of Applicants**

**Application #MP100701061**

Applicant's Name & Age: William Stephen VanVickle, 63

Relevant Physical Condition: Mr. VanVickle's uncorrected visual acuity in both eyes is 20/30 Snellen and best corrected in both eyes is 20/20 Snellen. He was diagnosed with insulin treated diabetes mellitus and has been using insulin for control since 2000.

Relevant Driving Experience: Mr. VanVickle is currently employed as a passenger bus driver for a children's therapy center and has driven for approximately five (5) years. Drives personal vehicle(s) daily.

Doctor's Opinion & Date: Following an examination in May 2010, his endocrinologist certified, "In my medical opinion, Mr. VanVickle's diabetes deficiency is stable, he is capable of performing the driving tasks required to operate a commercial motor vehicle, and the applicant's condition will not adversely affect his ability to operate a commercial motor vehicle safely."

Traffic Accidents and Violations: No accidents or violations within the past three (3) years.

**Application #MP050117002**

Renewal Applicant's Name & Age: Marty K. Campbell, 37

Relevant Physical Condition: Mr. Campbell's best uncorrected visual acuity in his left eye is 20/20 Snellen. He was born with slight hand motion and light perception in the right eye.

Relevant Driving Experience: Drove a dump truck for a dirt hauling company from June to December 2004. He is currently employed with a transportation company in Springfield, MO. Drives personal vehicle(s) daily.

Doctor's Opinion & Date: Following an examination in June 2010, his optometrist certified, "In my medical opinion, Mr. Campbell's visual deficiency is stable, he has sufficient vision to perform the driving tasks required to operate a commercial motor vehicle, and his condition will not adversely affect his ability to operate a commercial motor vehicle safely."

Issued on: July 1, 2010

*Jan Skouby, Motor Carrier Services Director, Missouri Department of Transportation.*

Traffic Accidents and Violations: No accidents or violations within the past three (3) years.

**Application #MP040917067**

Renewal Applicant's Name & Age: Dale E. Bollinger, 44

Relevant Physical Condition: Mr. Bollinger's best corrected visual acuity is 20/20 Snellen in both eyes. He has insulin-treated diabetes mellitus and has been using insulin for control since 1992.

Relevant Driving Experience: Employed by a government agency from June 2000 to present and has driven nine (9) passenger vans, straight trucks, and tractor-trailers, both automatic and manual, some with air brakes. The trailers have consisted of flatbed, cargo tanks, and low boys. Employed as a laborer, maintenance, and lift driver for various logging and sawmill companies from March 1987 to June 2000. Drives personal vehicle(s) daily.

Doctor's Opinion & Date: Following an examination in November 2009, his endocrinologist certified, "In my medical opinion, Mr. Bollinger's diabetes deficiency is stable, he is capable of performing the driving tasks required to operate a commercial motor vehicle, and the applicant's condition will not adversely affect his ability to operate a commercial motor vehicle safely."

Traffic Accidents and Violations: No accidents or violations within the past three (3) years.

**Application #MP031222018**

Renewal Applicant's Name & Age: Doyle Gene Hyten, 67

Relevant Physical Condition: Mr. Hyten's best uncorrected visual acuity in his right eye is 20/40 Snellen and his left eye is 20/200 Snellen due to an injury accident in 1960.

Relevant Driving Experience: Currently employed as a passenger vehicle driver for a disability transport company and has approximately twenty-four (24) years experience driving commercial motor vehicles. Drives personal vehicle(s) daily.

Doctor's Opinion & Date: Following an examination in May 2010, his optometrist certified, "In my medical opinion, Mr. Hyten's visual deficiency is stable, he has sufficient vision to perform the driving tasks required to operate a commercial motor vehicle, and his condition will not adversely affect his ability to operate a commercial motor vehicle safely."

Traffic Accidents and Violations: No accidents or violations within the past three (3) years.

**Request for Comments**

The Missouri Department of Transportation, Motor Carrier Services Division, pursuant to section 622.555, RSMo, and rule 7 CSR 10-25.010, requests public comment from all interested persons on the applications for issuance of Skill Performance Evaluation Certificates described in this notice. We will consider all comments received before the close of business on the closing date indicated earlier in this notice.

## STATUTORY LIST OF CONTRACTORS BARRED FROM PUBLIC WORKS PROJECTS

The following is a list of contractor(s) who have been prosecuted and convicted of violating the Missouri Prevailing Wage Law and whose Notice of Conviction has been filed with the Secretary of State pursuant to section 290.330, RSMo. Under this statute, no public body is permitted to award a contract, directly or indirectly, for public works 1) to Michael B. Robin, 2) to any other contractor or subcontractor that is owned, operated, or controlled by Mr. Robin, including Plumbco, Inc., or 3) to any other simulation of Mr. Robin or of Plumbco, Inc., for a period of one (1) year, or until December 17, 2010.

<b>Name of Contractor</b>	<b>Name of Officers</b>	<b>Address</b>	<b>Date of Conviction</b>	<b>Debarment Period</b>
Michael B. Robin DBA Plumbco, Inc. Case No. 09AO-CR01174		7534 Heron Drive Neosho, MO 64804	12/17/09	12/17/2009-12/17/2010

**T**he Secretary of State is required by sections 347.141 and 359.481, RSMo 2000, to publish dissolutions of limited liability companies and limited partnerships. The content requirements for the one-time publishing of these notices are prescribed by statute. This listing is published pursuant to these statutes. We request that documents submitted for publication in this section be submitted in camera ready 8 1/2" x 11" manuscript by email to [dissolutions@sos.mo.gov](mailto:dissolutions@sos.mo.gov).

**Notice of Corporate Dissolution  
To All Creditors of and  
Claimants Against  
DANA ENTERPRISES, INC.**

On July 2, 2010, DANA ENTERPRISES, INC., a Missouri corporation, filed its Articles of Dissolution with the Missouri Secretary of State. Dissolution was effective on January 8, 2010.

Said corporation requests that all persons and organizations who have claims against it present them immediately by letter to the corporation at:

DANA ENTERPRISES, INC.

Attn: Nick S. Larson

#3 Hollenberg Court

Bridgeton, MO 63044

Or

Anthony J. Soukenik, Esq.

Sandberg Phoenix & von Gontard P.C.

600 Washington Avenue, 15<sup>th</sup> Floor

St. Louis, MO 63101

All claims must include the name and address of the claimant; the amount claimed; the basis for the claim; and the date(s) on which the event(s) on which the claim is based occurred.

NOTICE: Because of the dissolution of DANA ENTERPRISES, INC., any claims against it will be barred unless a proceeding to enforce the claim is commenced within two years after the publication date of the two notices authorized by statute, whichever is published last.

**NOTICE OF DISSOLUTION OF LIMITED LIABILITY COMPANY TO ALL CREDITORS OF AND ALL  
CLAIMANTS AGAINST CHAPMAN FARMS INVESTMENTS, LLC**

On July 7, 2010, Chapman Farms Investments, LLC ("Company") filed a Notice of Winding Up with the Missouri Secretary of State. Claims against the Company may be mailed to David Zeiler, c/o Mitchell & Associates, L.C., 3100 SW 7 Highway, Suite A, Palo Center, Blue Springs, MO 64014. Claims must include the name, address, and telephone number of the claimant; the amount of the claim; the date on which the claim arose, the basis for the claim; and documentation of the claim. A claim against the Company will be barred unless a proceeding to enforce the claim is commenced within three (3) years after this publication.



**NOTICE OF DISSOLUTION OF LIMITED LIABILITY COMPANY TO ALL CREDITORS OF AND ALL  
CLAIMANTS AGAINST ST2, LLC**

On July 7, 2010, ST2, LLC ("Company") filed a Notice of Winding Up with the Missouri Secretary of State. Claims against the Company may be mailed to David Zeiler, c/o Mitchell & Associates, L.C., 3100 SW 7 Highway, Suite A, Palo Center, Blue Springs, MO 64014. Claims must include the name, address, and telephone number of the claimant; the amount of the claim; the date on which the claim arose, the basis for the claim; and documentation of the claim. A claim against the Company will be barred unless a proceeding to enforce the claim is commenced within three (3) years after this publication.

**NOTICE OF DISSOLUTION OF LIMITED LIABILITY COMPANY TO ALL CREDITORS OF AND ALL  
CLAIMANTS AGAINST ADAMS DAIRY BUILDING CO., LLC**

On July 7, 2010, Adams Dairy Building Co., LLC ("Company") filed a Notice of Winding Up with the Missouri Secretary of State. Claims against the Company may be mailed to David Zeiler, c/o Mitchell & Associates, L.C., 3100 SW 7 Highway, Suite A, Palo Center, Blue Springs, MO 64014. Claims must include the name, address, and telephone number of the claimant; the amount of the claim; the date on which the claim arose, the basis for the claim; and documentation of the claim. A claim against the Company will be barred unless a proceeding to enforce the claim is commenced within three (3) years after this publication.

**NOTICE OF DISSOLUTION OF LIMITED LIABILITY COMPANY TO ALL CREDITORS OF AND ALL  
CLAIMANTS AGAINST EXTREME TILE, LLC**

On July 7, 2010, Extreme Tile, LLC ("Company") filed a Notice of Winding Up with the Missouri Secretary of State. Claims against the Company may be mailed to David Zeiler, c/o Mitchell & Associates, L.C., 3100 SW 7 Highway, Suite A, Palo Center, Blue Springs, MO 64014. Claims must include the name, address, and telephone number of the claimant; the amount of the claim; the date on which the claim arose, the basis for the claim; and documentation of the claim. A claim against the Company will be barred unless a proceeding to enforce the claim is commenced within three (3) years after this publication.

**NOTICE OF WINDING UP AND DISSOLUTION OF  
THE LAW OFFICE OF ROSE A. BARBER, LLC.**

On July 6, 2010, The Law Office of Rose A. Barber, LLC., a Missouri Limited Liability Company ("Company"), filed its Notice of Winding Up and Articles of Termination with the Missouri Secretary of State. Said Company requests that claimants against company present claims in writing to: Rose Barber, 620 E. University Street, Springfield, MO 65807. All claims must include 1) name, address, and phone number of claimant; 2) amount claimed; 3) basis of the claim; 4) date on which the claim arose; and 5) documentation supporting the claim. All claims against the Company will be barred unless a proceeding to enforce the claim is commenced within three (3) years after the publication of this notice.

**NOTICE OF CORPORATION DISSOLUTION**

To: All creditors of and claimants against PREMIER MANAGEMENT GROUP, INC.

On July 2, 2010, PREMIER MANAGEMENT GROUP, INC., a Missouri corporation, Charter Number 00537492, was dissolved pursuant to the filing of Articles of Dissolution by the Corporation Division, Missouri Secretary of State

All persons or organizations having claims against PREMIER MANAGEMENT GROUP, INC., are required to present them immediately in writing to:

Carl Chinnery, Attorney at Law  
CHINNERY EVANS & NAIL, P.C.  
800 NE Vanderbilt Lane  
Lee's Summit, MO 64064

Each claim must contain the following information:

1. Name and current address of the claimant.
2. A clear and concise statement of the facts supporting the claim.
3. The date the claim was incurred.
4. The amount of money or alternate relief demanded.

NOTE: CLAIMS AGAINST PREMIER MANAGEMENT GROUP, INC., WILL BE BARRED UNLESS A PROCEEDING TO ENFORCE THE CLAIM IS COMMENCED WITHIN TWO YEARS AFTER THE PUBLICATION OF THIS NOTICE.

**NOTICE OF WINDING UP OF LIMITED LIABILITY COMPANY  
TO ALL CREDITORS OF AND CLAIMANTS AGAINST  
SPRINGFIELD WEB PRINTING, L.L.C.**

On July 6, 2010, SPRINGFIELD WEB PRINTING, L.L.C., a Missouri limited liability company ("Company"), filed its Notice of Winding Up with the Missouri Secretary of State, effective on the filing date.

All persons and organizations must submit to Company, c/o Frank C. Carnahan, Carnahan, Evans, Cantwell & Brown, P.C., 2805 S. Ingram Mill, Springfield, Missouri 65804, a written summary of any claims against Company, including: 1) claimant's name, address and telephone number; 2) amount of claim; 3) date(s) claim accrued (or will accrue); 4) brief description of the nature of the debt or the basis for the claim; and 5) if the claim is secured, and if so, the collateral used as security.

Because of the dissolution, any claims against Company will be barred unless a proceeding to enforce the claim is commenced within three (3) years after the last of filing or publication of this Notice.

***NOTICE OF WINDING UP AND DISSOLUTION OF  
LIMITED LIABILITY COMPANY C & A VENTURES, LLC***

On April 26, 2010, C & A Ventures, LLC, a Missouri Limited Liability Company (the "Company"), filed its Notice of Winding Up with the Missouri Secretary of State.

The dissolution of the LLC was effective on the April 26, 2010.

Said Company requests that all persons and organizations who have claims against it present them immediately by letter to the Company at:

Adam G. Breeze  
Breeze, Roberts, Ponders-Bates,  
Wooten & Zimmer, L.L.C.  
P.O. Box 99  
Festus, Missouri 63028

All claims must include 1) the name, address, and phone number of the claimant; 2) the amount claimed; 3) the basis of the claim; 4) the date on which the claim arose; and 5) documentation supporting the claim.

All claims against C & A Ventures, LLC will be barred unless a proceeding to enforce the claim is commenced within three (3) years after the publication date of the notices authorized by statute, whichever is published last.

**Notice of Winding Up  
of Limited Partnership  
To All Creditors of and  
Claimants Against PFA Associates, L.P.**

On July 6, 2010, PFA Associates, L.P., a Missouri limited partnership (hereinafter the "Company"), filed its Certificate of Cancellation with the Missouri Secretary of State.

Any claims against the Company may be sent to: Helfrey, Neiers & Jones, P. C., ATTN: David L. Jones, 120 S. Central Ave., Ste. 1500, St. Louis, Missouri 63105. Each claim must include the following information: the name, address and phone number of the claimant; the amount claimed; the date on which the claim arose; the basis for the claim; and documentation for the claim.

All claims against the Company will be barred unless the proceeding to enforce the claim is commenced within three (3) years after the publication of this notice.

**Notice of Winding Up  
of Limited Partnership  
To All Creditors of and  
Claimants Against T & B Farms, L.P.**

On July 6, 2010, T & B Farms, L.P., a Missouri limited partnership (hereinafter the "Company"), filed its Certificate of Cancellation with the Missouri Secretary of State.

Any claims against the Company may be sent to: Helfrey, Neiers & Jones, P. C., ATTN: David L. Jones, 120 S. Central Ave., Ste. 1500, St. Louis, Missouri 63105. Each claim must include the following information: the name, address and phone number of the claimant; the amount claimed; the date on which the claim arose; the basis for the claim; and documentation for the claim.

All claims against the Company will be barred unless the proceeding to enforce the claim is commenced within three (3) years after the publication of this notice.

# Rule Changes Since Update to Code of State Regulations

This cumulative table gives you the latest status of rules. It contains citations of rulemakings adopted or proposed after deadline for the monthly Update Service to the *Code of State Regulations*, citations are to volume and page number in the *Missouri Register*, except for material in this issue. The first number in the table cite refers to the volume number or the publication year—30 (2005) and 31 (2006). MoReg refers to *Missouri Register* and the numbers refer to a specific *Register* page, R indicates a rescission, W indicates a withdrawal, S indicates a statement of actual cost, T indicates an order terminating a rule, N.A. indicates not applicable, RAN indicates a rule action notice, RUC indicates a rule under consideration, and F indicates future effective date.

Rule Number	Agency	Emergency	Proposed	Order	In Addition
1 CSR 10	<b>OFFICE OF ADMINISTRATION</b> State Officials' Salary Compensation Schedule				30 MoReg 2435
	<b>DEPARTMENT OF AGRICULTURE</b>				
2 CSR 70-11.060	Plant Industries	35 MoReg 721	35 MoReg 756		
2 CSR 80-3.070	State Milk Board		35 MoReg 855		
	<b>DEPARTMENT OF CONSERVATION</b>				
3 CSR 10-7.410	Conservation Commission		35 MoReg 857	This Issue	
3 CSR 10-7.417	Conservation Commission		35 MoReg 639R	35 MoReg 983R	
3 CSR 10-7.431	Conservation Commission		35 MoReg 857	This Issue	
3 CSR 10-7.440	Conservation Commission		N.A.	This Issue	
3 CSR 10-7.455	Conservation Commission				35 MoReg 316
3 CSR 10-8.505	Conservation Commission		35 MoReg 639	35 MoReg 983	
3 CSR 10-8.515	Conservation Commission		35 MoReg 639	35 MoReg 983	
3 CSR 10-9.353	Conservation Commission		35 MoReg 640	35 MoReg 983	
3 CSR 10-10.722	Conservation Commission		35 MoReg 640	35 MoReg 984	
3 CSR 10-10.724	Conservation Commission		35 MoReg 641	35 MoReg 984	
3 CSR 10-10.726	Conservation Commission		35 MoReg 641	35 MoReg 984	
3 CSR 10-10.743	Conservation Commission		35 MoReg 641	35 MoReg 984	
3 CSR 10-12.109	Conservation Commission		35 MoReg 642	35 MoReg 984	
3 CSR 10-12.110	Conservation Commission		35 MoReg 642	35 MoReg 984	
3 CSR 10-12.115	Conservation Commission		35 MoReg 642	35 MoReg 985	
3 CSR 10-12.125	Conservation Commission		35 MoReg 681	35 MoReg 1033	
3 CSR 10-12.130	Conservation Commission		35 MoReg 643	35 MoReg 985	
3 CSR 10-12.135	Conservation Commission		35 MoReg 643	35 MoReg 985	
3 CSR 10-12.140	Conservation Commission		35 MoReg 644	35 MoReg 985	
3 CSR 10-12.145	Conservation Commission		35 MoReg 644	35 MoReg 985	
	<b>DEPARTMENT OF ECONOMIC DEVELOPMENT</b>				
4 CSR 85-7.010	Division of Business and Community Services		35 MoReg 449	35 MoReg 1033	
4 CSR 170-1.010	Missouri Housing Development Commission		35 MoReg 527R	35 MoReg 985R	
4 CSR 170-1.100	Missouri Housing Development Commission		35 MoReg 527	35 MoReg 986	
4 CSR 170-1.200	Missouri Housing Development Commission		35 MoReg 528	35 MoReg 986	
4 CSR 170-2.010	Missouri Housing Development Commission		35 MoReg 963R		
4 CSR 170-2.100	Missouri Housing Development Commission		35 MoReg 963		
4 CSR 170-3.010	Missouri Housing Development Commission		35 MoReg 964R		
4 CSR 170-3.100	Missouri Housing Development Commission		35 MoReg 964		
4 CSR 170-3.200	Missouri Housing Development Commission		35 MoReg 964		
4 CSR 170-4.010	Missouri Housing Development Commission		35 MoReg 965R		
4 CSR 170-4.100	Missouri Housing Development Commission		35 MoReg 965		
4 CSR 170-4.200	Missouri Housing Development Commission		35 MoReg 966		
4 CSR 170-4.300	Missouri Housing Development Commission		35 MoReg 966		
4 CSR 170-5.010	Missouri Housing Development Commission		35 MoReg 967R		
4 CSR 170-5.020	Missouri Housing Development Commission		35 MoReg 968R		
4 CSR 170-5.030	Missouri Housing Development Commission		35 MoReg 968R		
4 CSR 170-5.040	Missouri Housing Development Commission		35 MoReg 968R		
4 CSR 170-5.050	Missouri Housing Development Commission		35 MoReg 969R		
4 CSR 170-5.100	Missouri Housing Development Commission		35 MoReg 969		
4 CSR 170-5.200	Missouri Housing Development Commission		35 MoReg 970		
4 CSR 170-5.300	Missouri Housing Development Commission		35 MoReg 971		
4 CSR 170-5.400	Missouri Housing Development Commission		35 MoReg 971		
4 CSR 170-5.500	Missouri Housing Development Commission		35 MoReg 973		
4 CSR 170-6.010	Missouri Housing Development Commission		35 MoReg 973R		
4 CSR 170-6.100	Missouri Housing Development Commission		35 MoReg 974		
4 CSR 170-6.200	Missouri Housing Development Commission		35 MoReg 975		
4 CSR 170-8.010	Missouri Housing Development Commission		35 MoReg 529	35 MoReg 986	
4 CSR 170-8.020	Missouri Housing Development Commission		35 MoReg 530	35 MoReg 986	
4 CSR 170-8.030	Missouri Housing Development Commission		35 MoReg 531	35 MoReg 986	
4 CSR 170-8.040	Missouri Housing Development Commission		35 MoReg 531	35 MoReg 986	
4 CSR 170-8.050	Missouri Housing Development Commission		35 MoReg 532	35 MoReg 987	
4 CSR 170-8.060	Missouri Housing Development Commission		35 MoReg 532	35 MoReg 987	
4 CSR 170-8.070	Missouri Housing Development Commission		35 MoReg 533	35 MoReg 987	
4 CSR 170-8.080	Missouri Housing Development Commission		35 MoReg 534	35 MoReg 987	
4 CSR 170-8.090	Missouri Housing Development Commission		35 MoReg 534	35 MoReg 987	
4 CSR 170-8.100	Missouri Housing Development Commission		35 MoReg 535	35 MoReg 987	
4 CSR 170-8.110	Missouri Housing Development Commission		35 MoReg 535	35 MoReg 988	
4 CSR 170-8.120	Missouri Housing Development Commission		35 MoReg 535	35 MoReg 988	

Rule Number	Agency	Emergency	Proposed	Order	In Addition
4 CSR 170-8.130	Missouri Housing Development Commission		35 MoReg 536	35 MoReg 988	
4 CSR 170-8.140	Missouri Housing Development Commission		35 MoReg 536	35 MoReg 988	
4 CSR 170-8.150	Missouri Housing Development Commission		35 MoReg 538	35 MoReg 988	
4 CSR 170-8.160	Missouri Housing Development Commission		35 MoReg 538	35 MoReg 988	
4 CSR 240-2.070	Public Service Commission		35 MoReg 682		
4 CSR 240-3.156	Public Service Commission		35 MoReg 365	This Issue	
4 CSR 240-3.190	Public Service Commission		35 MoReg 207	35 MoReg 989	
4 CSR 240-20.100	Public Service Commission		35 MoReg 365	This Issue	
<b>DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION</b>					
5 CSR 50-270.010	Division of School Improvement		35 MoReg 210		
			35 MoReg 1019		
5 CSR 50-321.010	Division of School Improvement		35 MoReg 857R		
5 CSR 50-350.040	Division of School Improvement		35 MoReg 1080R		
5 CSR 50-350.050	Division of School Improvement		35 MoReg 452	35 MoReg 1035	
5 CSR 80-800.200	Teacher Quality and Urban Education		35 MoReg 454	35 MoReg 1132	
5 CSR 80-800.220	Teacher Quality and Urban Education		35 MoReg 454	35 MoReg 1132	
5 CSR 80-800.260	Teacher Quality and Urban Education		35 MoReg 455	35 MoReg 1132	
5 CSR 80-800.270	Teacher Quality and Urban Education		35 MoReg 455	35 MoReg 1132	
5 CSR 80-800.280	Teacher Quality and Urban Education		35 MoReg 456	35 MoReg 1133	
5 CSR 80-800.290	Teacher Quality and Urban Education		35 MoReg 456	35 MoReg 1133	
5 CSR 80-800.350	Teacher Quality and Urban Education		35 MoReg 457	35 MoReg 1133	
5 CSR 80-800.360	Teacher Quality and Urban Education		35 MoReg 458	35 MoReg 1133	
5 CSR 80-800.380	Teacher Quality and Urban Education		35 MoReg 459	35 MoReg 1134	
<b>DEPARTMENT OF HIGHER EDUCATION</b>					
6 CSR 250-11.041	University of Missouri	35 MoReg 161	34 MoReg 2592		
			35 MoReg 757		
6 CSR 250-11.042	University of Missouri		34 MoReg 2594		
			35 MoReg 762		
<b>DEPARTMENT OF TRANSPORTATION</b>					
7 CSR 10-1.010	Missouri Highways and Transportation Commission		35 MoReg 539	This Issue	
7 CSR 10-16.010	Missouri Highways and Transportation Commission		This IssueR		
7 CSR 10-16.020	Missouri Highways and Transportation Commission		This IssueR		
			This Issue		
7 CSR 10-16.025	Missouri Highways and Transportation Commission		This Issue		
7 CSR 10-16.030	Missouri Highways and Transportation Commission		This IssueR		
7 CSR 10-16.035	Missouri Highways and Transportation Commission		This Issue		
7 CSR 10-16.040	Missouri Highways and Transportation Commission		This IssueR		
7 CSR 10-16.045	Missouri Highways and Transportation Commission		This Issue		
7 CSR 10-16.050	Missouri Highways and Transportation Commission		This Issue		
7 CSR 10-25.010	Missouri Highways and Transportation Commission				35 MoReg 1138 This Issue
7 CSR 60-2.010	Highway Safety Division	35 MoReg 722	35 MoReg 764		
7 CSR 60-2.030	Highway Safety Division	35 MoReg 724	35 MoReg 765		
<b>DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS</b>					
8 CSR 60-4.040	Missouri Commission on Human Rights		35 MoReg 765		
8 CSR 60-4.045	Missouri Commission on Human Rights		35 MoReg 765		
<b>DEPARTMENT OF MENTAL HEALTH</b>					
9 CSR 10-7.090	Director, Department of Mental Health		35 MoReg 645	This Issue	
9 CSR 30-4.034	Certification Standards		35 MoReg 935		
9 CSR 30-4.035	Certification Standards		35 MoReg 646	This Issue	
9 CSR 30-4.042	Certification Standards		35 MoReg 646	This Issue	
9 CSR 30-4.045	Certification Standards	35 MoReg 1017	35 MoReg 1022		
<b>DEPARTMENT OF NATURAL RESOURCES</b>					
10 CSR 10-2.070	Air Conservation Commission		35 MoReg 766R		
10 CSR 10-3.090	Air Conservation Commission		35 MoReg 766R		
10 CSR 10-4.070	Air Conservation Commission		35 MoReg 767R		
10 CSR 10-5.160	Air Conservation Commission		35 MoReg 767R		
10 CSR 10-5.480	Air Conservation Commission		35 MoReg 1080		
10 CSR 10-6.020	Air Conservation Commission		35 MoReg 858		
10 CSR 10-6.070	Air Conservation Commission		35 MoReg 1091		
10 CSR 10-6.075	Air Conservation Commission		35 MoReg 1092		
10 CSR 10-6.080	Air Conservation Commission		35 MoReg 1094		
10 CSR 10-6.110	Air Conservation Commission		35 MoReg 461	35 MoReg 1134	
10 CSR 10-6.165	Air Conservation Commission		35 MoReg 768		
10 CSR 10-6.400	Air Conservation Commission		35 MoReg 1095		
10 CSR 23-1	Division of Geology and Land Survey				35 MoReg 992
10 CSR 23-2	Division of Geology and Land Survey				35 MoReg 992
10 CSR 23-3	Division of Geology and Land Survey				35 MoReg 992
10 CSR 23-4	Division of Geology and Land Survey				35 MoReg 992
10 CSR 23-5	Division of Geology and Land Survey				35 MoReg 992
10 CSR 23-6	Division of Geology and Land Survey				35 MoReg 992
10 CSR 60-4.025	Safe Drinking Water Commission		35 MoReg 769		
10 CSR 60-5.010	Safe Drinking Water Commission		35 MoReg 778		
10 CSR 60-7.010	Safe Drinking Water Commission		35 MoReg 778		
10 CSR 60-8.010	Safe Drinking Water Commission		35 MoReg 781		
10 CSR 60-8.030	Safe Drinking Water Commission		35 MoReg 785		

Rule Number	Agency	Emergency	Proposed	Order	In Addition
10 CSR 60-9.010	Safe Drinking Water Commission		35 MoReg 793		
10 CSR 70-4.010	Soil and Water Districts Commission		35 MoReg 214R 35 MoReg 214		
10 CSR 70-5.010	Soil and Water Districts Commission	34 MoReg 1779	35 MoReg 216R 35 MoReg 216		
10 CSR 70-5.040	Soil and Water Districts Commission	34 MoReg 1783	35 MoReg 217R 35 MoReg 217		
10 CSR 70-5.050	Soil and Water Districts Commission	34 MoReg 1785	35 MoReg 217R 35 MoReg 217		
10 CSR 70-5.060	Soil and Water Districts Commission	34 MoReg 1786	35 MoReg 219R 35 MoReg 219		
10 CSR 140-8.010	Division of Energy		35 MoReg 1022		
<b>DEPARTMENT OF PUBLIC SAFETY</b>					
11 CSR 45-1.010	Missouri Gaming Commission		35 MoReg 1095		
11 CSR 45-9.113	Missouri Gaming Commission		35 MoReg 1096		
11 CSR 45-9.114	Missouri Gaming Commission		35 MoReg 1098		
11 CSR 45-9.115	Missouri Gaming Commission		35 MoReg 975		
11 CSR 45-9.118	Missouri Gaming Commission		35 MoReg 1098		
11 CSR 45-12.010	Missouri Gaming Commission		35 MoReg 467	35 MoReg 991	
<b>DEPARTMENT OF REVENUE</b>					
12 CSR 10-2.250	Director of Revenue		35 MoReg 1029		
12 CSR 10-3.249	Director of Revenue		35 MoReg 575R	35 MoReg 1136R	
12 CSR 10-3.830	Director of Revenue		35 MoReg 575R	35 MoReg 1137R	
12 CSR 10-3.832	Director of Revenue		35 MoReg 575R	35 MoReg 1137R	
12 CSR 10-24.430	Director of Revenue	35 MoReg 1065	35 MoReg 1100		
12 CSR 10-24.480	Director of Revenue	35 MoReg 1066	35 MoReg 1103		
12 CSR 10-24.485	Director of Revenue	35 MoReg 1066	35 MoReg 1106		
12 CSR 10-103.390	Director of Revenue		35 MoReg 685		
<b>DEPARTMENT OF SOCIAL SERVICES</b>					
13 CSR 35-38.010	Children's Division		35 MoReg 576		
13 CSR 35-38.011	Children's Division		35 MoReg 976		
13 CSR 35-38.021	Children's Division		35 MoReg 976		
13 CSR 35-38.030	Children's Division ( <i>Changed from 13 CSR 40-38.010</i> )		35 MoReg 976		
13 CSR 35-38.040	Children's Division ( <i>Changed from 13 CSR 40-38.020</i> )		35 MoReg 977		
13 CSR 35-60.070	Children's Division		35 MoReg 582		
13 CSR 40-38.010	Family Support Division ( <i>Changed to 13 CSR 35-38.030</i> )		35 MoReg 976		
13 CSR 40-38.020	Family Support Division ( <i>Changed to 13 CSR 35-38.040</i> )		35 MoReg 977		
13 CSR 70-3.020	MO HealthNet Division		35 MoReg 977		
13 CSR 70-3.140	MO HealthNet Division		35 MoReg 980		
13 CSR 70-3.160	MO HealthNet Division		35 MoReg 980		
13 CSR 70-3.200	MO HealthNet Division		35 MoReg 685		
13 CSR 70-10.015	MO HealthNet Division	35 MoReg 635	35 MoReg 647	35 MoReg 1137	
13 CSR 70-10.080	MO HealthNet Division		35 MoReg 652	35 MoReg 1137	
13 CSR 70-15.010	MO HealthNet Division	35 MoReg 1067	35 MoReg 1108		
13 CSR 70-15.110	MO HealthNet Division	35 MoReg 1070	35 MoReg 1111		
13 CSR 70-20.320	MO HealthNet Division	35 MoReg 1072	35 MoReg 1114		
13 CSR 70-90.010	MO HealthNet Division		35 MoReg 688		
13 CSR 70-91.030	MO HealthNet Division		35 MoReg 1029R		
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15 CSR 30-45.040	Secretary of State		35 MoReg 691	This Issue	
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16 CSR 50-2.010	The County Employees' Retirement Fund		35 MoReg 1029		
16 CSR 50-2.020	The County Employees' Retirement Fund		35 MoReg 1030		
16 CSR 50-2.030	The County Employees' Retirement Fund		35 MoReg 1030		
16 CSR 50-2.050	The County Employees' Retirement Fund		35 MoReg 1031		
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17 CSR 20-3.105	St. Louis Board of Police Commissioners		35 MoReg 866		
17 CSR 20-3.115	St. Louis Board of Police Commissioners		35 MoReg 867		
17 CSR 20-3.125	St. Louis Board of Police Commissioners		35 MoReg 867		
17 CSR 20-3.135	St. Louis Board of Police Commissioners		35 MoReg 868		

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18 CSR 10-2.010	<b>PUBLIC DEFENDER COMMISSION</b> Office of State Public Defender		This Issue		
19 CSR 30-1.074	<b>DEPARTMENT OF HEALTH AND SENIOR SERVICES</b> Division of Regulation and Licensure	35 MoReg 1072	35 MoReg 1116		
19 CSR 60-50	Missouri Health Facilities Review Committee				35 MoReg 1139
20 CSR	<b>DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION</b> Construction Claims Binding Arbitration Cap				33 MoReg 150 33 MoReg 2446 35 MoReg 654
20 CSR	Medical Malpractice				31 MoReg 616 32 MoReg 545
20 CSR	Sovereign Immunity Limits				33 MoReg 150 33 MoReg 2446 35 MoReg 318
20 CSR	State Legal Expense Fund Cap				33 MoReg 150 33 MoReg 2446 35 MoReg 654
20 CSR 500-2.300	Property and Casualty		35 MoReg 691		
20 CSR 500-10.200	Property and Casualty		35 MoReg 793		
20 CSR 1140-30.010	Division of Finance	35 MoReg 725R	35 MoReg 794R		
20 CSR 1140-30.030	Division of Finance	35 MoReg 727R	35 MoReg 794R		
20 CSR 1140-30.040	Division of Finance	35 MoReg 728R	35 MoReg 794R		
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20 CSR 1140-30.080	Division of Finance	35 MoReg 731R	35 MoReg 795R		
20 CSR 1140-30.090	Division of Finance	35 MoReg 732R	35 MoReg 796R		
20 CSR 1140-30.100	Division of Finance	35 MoReg 733R	35 MoReg 796R		
20 CSR 1140-30.110	Division of Finance	35 MoReg 734R	35 MoReg 797R		
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20 CSR 1140-30.200	Division of Finance	35 MoReg 737	35 MoReg 797		
20 CSR 1140-30.210	Division of Finance	35 MoReg 738	35 MoReg 798		
20 CSR 1140-30.220	Division of Finance	35 MoReg 739	35 MoReg 800		
20 CSR 1140-30.230	Division of Finance	35 MoReg 741	35 MoReg 800		
20 CSR 1140-30.240	Division of Finance	35 MoReg 742	35 MoReg 800		
20 CSR 1140-30.250	Division of Finance	35 MoReg 743	35 MoReg 803		
20 CSR 1140-30.260	Division of Finance	35 MoReg 744	35 MoReg 803		
20 CSR 1140-30.270	Division of Finance	35 MoReg 745	35 MoReg 803		
20 CSR 1140-30.280	Division of Finance	35 MoReg 747	35 MoReg 804		
20 CSR 1140-30.290	Division of Finance	35 MoReg 748	35 MoReg 805		
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20 CSR 1140-31.010	Division of Finance		35 MoReg 810		
20 CSR 1140-31.020	Division of Finance		35 MoReg 810		
20 CSR 2010-1.010	Missouri State Board of Accountancy		35 MoReg 584	35 MoReg 1035	
20 CSR 2010-2.005	Missouri State Board of Accountancy		35 MoReg 585	35 MoReg 1035	
20 CSR 2010-2.022	Missouri State Board of Accountancy		35 MoReg 586	35 MoReg 1035	
20 CSR 2010-2.041	Missouri State Board of Accountancy		35 MoReg 587	35 MoReg 1036	
20 CSR 2010-2.051	Missouri State Board of Accountancy		35 MoReg 587	35 MoReg 1036	
20 CSR 2010-2.061	Missouri State Board of Accountancy		35 MoReg 588	35 MoReg 1036	
20 CSR 2010-2.065	Missouri State Board of Accountancy		35 MoReg 588	35 MoReg 1036	
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20 CSR 2010-2.072	Missouri State Board of Accountancy		35 MoReg 589	35 MoReg 1037	
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20 CSR 2010-2.095	Missouri State Board of Accountancy		35 MoReg 590	35 MoReg 1037	
20 CSR 2010-2.130	Missouri State Board of Accountancy		35 MoReg 591	35 MoReg 1038	
20 CSR 2010-2.150	Missouri State Board of Accountancy		35 MoReg 591	35 MoReg 1039	
20 CSR 2010-3.010	Missouri State Board of Accountancy		35 MoReg 592	35 MoReg 1039	
20 CSR 2010-3.060	Missouri State Board of Accountancy		35 MoReg 592	35 MoReg 1039	
20 CSR 2010-4.010	Missouri State Board of Accountancy		35 MoReg 593	35 MoReg 1039	
20 CSR 2010-4.031	Missouri State Board of Accountancy		35 MoReg 596	35 MoReg 1039	
20 CSR 2010-4.035	Missouri State Board of Accountancy		35 MoReg 596	35 MoReg 1040	
20 CSR 2010-4.041	Missouri State Board of Accountancy		35 MoReg 596	35 MoReg 1040	
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20 CSR 2010-5.080	Missouri State Board of Accountancy		35 MoReg 597	35 MoReg 1040	
20 CSR 2010-5.090	Missouri State Board of Accountancy		35 MoReg 598	35 MoReg 1040	
20 CSR 2010-5.100	Missouri State Board of Accountancy		35 MoReg 598	35 MoReg 1041	
20 CSR 2010-5.110	Missouri State Board of Accountancy		35 MoReg 599	35 MoReg 1041	
20 CSR 2150-5.100	State Board of Registration for the Healing Arts		35 MoReg 869R 35 MoReg 870		
20 CSR 2200-4.100	State Board of Nursing		35 MoReg 872R 35 MoReg 872		
20 CSR 2200-4.200	State Board of Nursing		35 MoReg 879R 35 MoReg 879		
22 CSR 10-2.070	<b>MISSOURI CONSOLIDATED HEALTH CARE PLAN</b> Health Care Plan		35 MoReg 1124R 35 MoReg 1124		
22 CSR 10-2.075	Health Care Plan		35 MoReg 599	35 MoReg 1041	
22 CSR 10-3.070	Health Care Plan		35 MoReg 1129R 35 MoReg 1129		
22 CSR 10-3.075	Health Care Plan		35 MoReg 600	35 MoReg 1041	



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<b>Department of Agriculture</b>			
<b>Plant Industries</b>			
2 CSR 70-11.060	Thousand Cankers Disease of Walnut Exterior Quarantine .35 MoReg 721	April 12, 2010	Jan. 19, 2011
<b>Department of Transportation</b>			
<b>Highway Safety Division</b>			
7 CSR 60-2.010	Definitions .35 MoReg 722	April 18, 2010	Nov. 30, 2010
7 CSR 60-2.030	Standards and Specifications .35 MoReg 724	April 18, 2010	Nov. 30, 2010
<b>Department of Mental Health</b>			
<b>Certification Standards</b>			
9 CSR 30-4.045	Intensive Community Psychiatric Rehabilitation .35 MoReg 1017	July 1, 2010	Feb. 24, 2011
<b>Department of Public Safety</b>			
<b>Missouri Gaming Commission</b>			
11 CSR 45-30.190	Rules of Play .Next Issue	Aug. 28, 2010	Feb. 23, 2011
<b>Department of Revenue</b>			
<b>Director of Revenue</b>			
12 CSR 10-24.430	Back of Driver License, Permits and Nondriver License .35 MoReg 1065	July 1, 2010	Dec. 28, 2010
12 CSR 10-24.480	Boater Identification Indicator on Driver or Nondriver License .35 MoReg 1066	July 1, 2010	Dec. 28, 2010
12 CSR 10-24.485	Permanent Disability Indicator on Driver or Nondriver License .35 MoReg 1066	July 4, 2010	Dec. 31, 2010
<b>Department of Social Services</b>			
<b>MO HealthNet Division</b>			
13 CSR 70-10.015	Prospective Reimbursement Plan for Nursing Facility Services .35 MoReg 635	April 1, 2010	Sept. 27, 2010
13 CSR 70-15.010	Inpatient Hospital Services Reimbursement Plan; Outpatient Hospital Services Reimbursement Methodology .35 MoReg 1067	July 1, 2010	Dec. 27, 2010
13 CSR 70-15.110	Federal Reimbursement Allowance (FRA) .35 MoReg 1070	July 1, 2010	Dec. 27, 2010
13 CSR 70-20.320	Pharmacy Reimbursement Allowance .35 MoReg 1072	July 1, 2010	Dec. 27, 2010
<b>Department of Health and Senior Services</b>			
<b>Division of Regulation and Licensure</b>			
19 CSR 30-1.074	Dispensing Without a Prescription .35 MoReg 1072	Sept. 28, 2010	March 26, 2011
<b>Department of Insurance, Financial Institutions and Professional Registration</b>			
<b>Division of Finance</b>			
20 CSR 1140-30.010	Definitions .35 MoReg 725	April 18, 2009	Jan. 26, 2011
20 CSR 1140-30.030	Licensing .35 MoReg 727	April 18, 2009	Jan. 26, 2011
20 CSR 1140-30.040	Operations and Supervision .35 MoReg 728	April 18, 2009	Jan. 26, 2011
20 CSR 1140-30.050	Annual Report of Mortgage Brokerage Activity and Mortgage Servicing Activity .35 MoReg 729	April 18, 2009	Jan. 26, 2011
20 CSR 1140-30.070	Advertising .35 MoReg 730	April 18, 2009	Jan. 26, 2011
20 CSR 1140-30.080	Loan Brokerage Practices .35 MoReg 731	April 18, 2009	Jan. 26, 2011
20 CSR 1140-30.090	Loan Application Practices .35 MoReg 732	April 18, 2009	Jan. 26, 2011
20 CSR 1140-30.100	General Practices .35 MoReg 733	April 18, 2009	Jan. 26, 2011
20 CSR 1140-30.110	Commitment and Closing Practices .35 MoReg 734	April 18, 2009	Jan. 26, 2011
20 CSR 1140-30.120	Exemption Guidelines .35 MoReg 736	April 18, 2009	Jan. 26, 2011
20 CSR 1140-30.200	Definitions .35 MoReg 737	April 18, 2009	Jan. 26, 2011
20 CSR 1140-30.210	Licensing of Mortgage Loan Originators .35 MoReg 738	April 18, 2009	Jan. 26, 2011
20 CSR 1140-30.220	Self-Reporting Requirements .35 MoReg 739	April 18, 2009	Jan. 26, 2011
20 CSR 1140-30.230	Challenges to Information Submitted to NMLSR .35 MoReg 741	April 18, 2009	Jan. 26, 2011
20 CSR 1140-30.240	Operations and Supervision of Residential Mortgage Loan Brokers .35 MoReg 742	April 18, 2009	Jan. 26, 2011
20 CSR 1140-30.250	Change in Business Activities .35 MoReg 743	April 18, 2009	Jan. 26, 2011
20 CSR 1140-30.260	Full-Service Office Requirement .35 MoReg 744	April 18, 2009	Jan. 26, 2011
20 CSR 1140-30.270	Maintenance of Records .35 MoReg 745	April 18, 2009	Jan. 26, 2011

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<b>20 CSR 1140-30.280</b> Authorized Advance Fees and Escrow Requirements . . . .	.35 MoReg 747 . . . .	April 18, 2009 . . . .	Jan. 26, 2011
<b>20 CSR 1140-30.290</b> In-State Office Wavier For Services . . . . .	.35 MoReg 748 . . . .	April 18, 2009 . . . .	Jan. 26, 2011
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<b>20 CSR 1140-30.310</b> Bonding Requirements . . . . .	.35 MoReg 750 . . . .	April 18, 2009 . . . .	Jan. 26, 2011
<b>20 CSR 1140-30.320</b> Exempt List . . . . .	.35 MoReg 752 . . . .	April 18, 2009 . . . .	Jan. 26, 2011
<b>Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects</b>			
<b>20 CSR 2030-6.015</b> Application, Renewal, Reinstatement, Relicensure, and Miscellaneous Fees . . . . .	.Next Issue . . . . .	July 30, 2010 . . . .	Feb. 24, 2011
<b>State Board of Embalmers and Funeral Directors</b>			
<b>20 CSR 2120-2.100</b> Fees . . . . .	.Next Issue . . . . .	Aug. 5, 2010 . . . .	Feb. 24, 2011

# Executive Orders

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<b>2010</b>			
<b>10-25</b>	Extends the declaration of emergency contained in Executive Order 10-22 for the purpose of protecting the safety and welfare of our fellow Missourians	July 20, 2010	Next Issue
<b>10-24</b>	Creates the Code of Fair Practices for the Executive Branch of State Government and supersedes paragraph one of Executive Order 05-30	July 9, 2010	This Issue
<b>Emergency Declaration</b>	Proclaims that an emergency exists concerning the damage and structural integrity of the U.S. Route 24 bridge over the Grand River	July 2, 2010	This Issue
<b>10-23</b>	Activates the state militia in response to severe weather that began on June 12	June 23, 2010	35 MoReg 1078
<b>10-22</b>	Declares a state of emergency and directs the Missouri State Emergency Operations Plan be activated due to severe weather that began on June 12	June 21, 2010	35 MoReg 1076
<b>10-21</b>	Activates the Missouri State Emergency Operations Center	June 15, 2010	35 MoReg 1018
<b>10-20</b>	Establishes the Missouri Civil War Sesquicentennial Commission	April 2, 2010	35 MoReg 754
<b>10-19</b>	Amends Executive Order 09-17 to give the commissioner of the Office of Administration supervisory authority over the Transform Missouri Project	March 2, 2010	35 MoReg 637
<b>10-18</b>	Establishes the Children in Nature Challenge to challenge Missouri communities to take action to enhance children's education about nature, and to increase children's opportunities to personally experience nature and the outdoors	Feb. 26, 2010	35 MoReg 573
<b>10-17</b>	Establishes a Missouri Emancipation Day Commission to promote, consider, and recommend appropriate activities for the annual recognition and celebration of Emancipation Day	Feb. 2, 2010	35 MoReg 525
<b>10-16</b>	Transfers the scholarship portion of the A+ Schools Program from the Missouri Department of Elementary and Secondary Education to the Missouri Department of Higher Education	Jan. 29, 2010	35 MoReg 447
<b>10-15</b>	Transfers the Breath Alcohol Program from the Missouri Department of Transportation to the Missouri Department of Health and Senior Services	Jan. 29, 2010	35 MoReg 445
<b>10-14</b>	Designates members of the governor's staff to have supervisory authority over certain departments, divisions, and agencies	Jan. 29, 2010	35 MoReg 443
<b>10-13</b>	Directs the Department of Social Services to disband the Missouri Task Force on Youth Aging Out of Foster Care	Jan. 15, 2010	35 MoReg 364
<b>10-12</b>	Rescinds Executive Orders 98-14, 95-21, 95-17, and 94-19 and terminates the Governor's Commission on Driving While Intoxicated and Impaired Driving	Jan. 15, 2010	35 MoReg 363
<b>10-11</b>	Rescinds Executive Order 05-41 and terminates the Governor's Advisory Council for Veterans Affairs and assigns its duties to the Missouri Veterans Commission	Jan. 15, 2010	35 MoReg 362
<b>10-10</b>	Rescinds Executive Order 01-08 and terminates the Personal Independence Commission and assigns its duties to the Governor's Council on Disability	Jan. 15, 2010	35 MoReg 361
<b>10-09</b>	Rescinds Executive Orders 95-10, 96-11, and 98-13 and terminates the Governor's Council on AIDS and transfers their duties to the Statewide HIV/STD Prevention Community Planning Group within the Department of Health and Senior Services	Jan. 15, 2010	35 MoReg 360
<b>10-08</b>	Rescinds Executive Order 04-07 and terminates the Missouri Commission on Patient Safety	Jan. 15, 2010	35 MoReg 358
<b>10-07</b>	Rescinds Executive Order 01-16 and terminates the Missouri Commission on Intergovernmental Cooperation	Jan. 15, 2010	35 MoReg 357
<b>10-06</b>	Rescinds Executive Order 05-13 and terminates the Governor's Advisory Council on Plant Biotechnology and assigns its duties to the Missouri Technology Corporation	Jan. 15, 2010	35 MoReg 356
<b>10-05</b>	Rescinds Executive Order 95-28 and terminates the Missouri Board of Geographic Names	Jan. 15, 2010	35 MoReg 355
<b>10-04</b>	Rescinds Executive Order 03-10 and terminates the Missouri Energy Policy Council	Jan. 15, 2010	35 MoReg 354
<b>10-03</b>	Rescinds Executive Order 03-01 and terminates the Missouri Lewis and Clark Bicentennial Commission	Jan. 15, 2010	35 MoReg 353
<b>10-02</b>	Rescinds Executive Order 07-29 and terminates the Governor's Advisory Council on Aging and assigns its duties to the State Board of Senior Services	Jan. 15, 2010	35 MoReg 352
<b>10-01</b>	Rescinds Executive Order 01-15 and terminates the Missouri Commission on Total Compensation	Jan. 15, 2010	35 MoReg 351

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<b>2009</b>			
<b>09-29</b>	Outlines the suspension of federal commercial motor vehicle and driver laws during emergency declarations. Executive Orders 07-01 and 08-40 are superceded and replaced on February 1, 2010	December 31, 2009	35 MoReg 205
<b>09-28</b>	Establishes the post of Missouri Poet Laureate. Executive order 08-01 is superceded and replaced	December 24, 2009	35 MoReg 203
<b>09-27</b>	Creates the Missouri Office of Health Information Technology, referred to as MO-HITECH. Executive Order 06-03 is rescinded	November 4, 2009	34 MoReg 2587
<b>09-26</b>	Advises that state offices will be closed November 27, 2009	October 30, 2009	34 MoReg 2466
<b>09-25</b>	Creates the governor's faith-based and community service partnership for disaster recovery	September 21, 2009	34 MoReg 2361
<b>09-24</b>	Creates the prompt pay for a healthy Missouri project	September 11, 2009	34 MoReg 2313
<b>09-23</b>	Designates members of the governor's staff as having supervisory authority over departments, divisions, or agencies	September 1, 2009	34 MoReg 2139
<b>09-22</b>	Appoints the Home Building and Residential Energy Efficiency Advisory panel to issue recommendations on energy efficiency measures for the home building sector and consumers	August 20, 2009	34 MoReg 2137
<b>09-21</b>	Declares a state of emergency exists in the state of Missouri and directs that Missouri State Emergency Operations Plan remain activated	May 14, 2009	34 MoReg 1332
<b>09-20</b>	Gives the director of the Missouri Department of Natural Resources full discretionary authority to temporarily waive or suspend the operation of any statutory or administrative rule or regulation currently in place under his purview in order to best serve the interests of the public health and safety during the period of the emergency and the subsequent recovery period	May 12, 2009	34 MoReg 1331
<b>09-19</b>	Declares a state of emergency exists in the state of Missouri and directs that the Missouri State Emergency Operations Plan be activated	May 8, 2009	34 MoReg 1329
<b>09-18</b>	Orders that all state agencies whose building management falls under the direction of the Office of Administration shall institute policies that will result in reductions of energy consumption of two percent per year for each of the next ten years	April 23, 2009	34 MoReg 1273
<b>09-17</b>	Creates the Transform Missouri Project as well as the Taxpayer Accountability, Compliance, and Transparency Unit, and rescinds Executive Order 09-12	March 31, 2009	34 MoReg 828
<b>09-16</b>	Directs the Department of Corrections to lead a permanent, interagency steering team for the Missouri Reentry Process	March 26, 2009	34 MoReg 826
<b>09-15</b>	Expands the Missouri Automotive Jobs Task Force to consist of 18 members	March 24, 2009	34 MoReg 824
<b>09-14</b>	Designates members of the governor's staff as having supervisory authority over departments, divisions, or agencies	March 5, 2009	34 MoReg 761
<b>09-13</b>	Extends Executive Order 09-04 and Executive Order 09-07 through March 31, 2009	February 25, 2009	34 MoReg 657
<b>09-12</b>	Creates and establishes the Transform Missouri Initiative	February 20, 2009	34 MoReg 655
<b>09-11</b>	Orders the Department of Health and Senior Services and the Department of Social Services to transfer the Blindness Education, Screening and Treatment Program (BEST) to the Department of Social Services	February 4, 2009	34 MoReg 590
<b>09-10</b>	Orders the Department of Elementary and Secondary Education and the Department of Economic Development to transfer the Missouri Customized Training Program to the Department of Economic Development	February 4, 2009	34 MoReg 588
<b>09-09</b>	Transfers the various scholarship programs under the Departments of Agriculture, Elementary and Secondary Education, Higher Education, and Natural Resources to the Department of Higher Education	February 4, 2009	34 MoReg 585
<b>09-08</b>	Designates members of the governor's staff as having supervisory authority over departments, divisions, or agencies	February 2, 2009	34 MoReg 366
<b>09-07</b>	Gives the director of the Missouri Department of Natural Resources the authority to temporarily suspend regulations in the aftermath of severe weather that began on January 26	January 30, 2009	34 MoReg 364
<b>09-06</b>	Activates the state militia in response to the aftermath of severe storms that began on January 26	January 28, 2009	34 MoReg 362
<b>09-05</b>	Establishes a Complete Count Committee for the 2010 Census	January 27, 2009	34 MoReg 359
<b>09-04</b>	Declares a state of emergency and activates the Missouri State Emergency Operations Plan	January 26, 2009	34 MoReg 357
<b>09-03</b>	Directs the Missouri Department of Economic Development, working with the Missouri Development Finance Board, to create a pool of funds designated for low-interest and no-interest direct loans for small business	January 13, 2009	34 MoReg 281

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<b>09-02</b>	Creates the Economic Stimulus Coordination Council	January 13, 2009	34 MoReg 279
<b>09-01</b>	Creates the Missouri Automotive Jobs Task Force	January 13, 2009	34 MoReg 277

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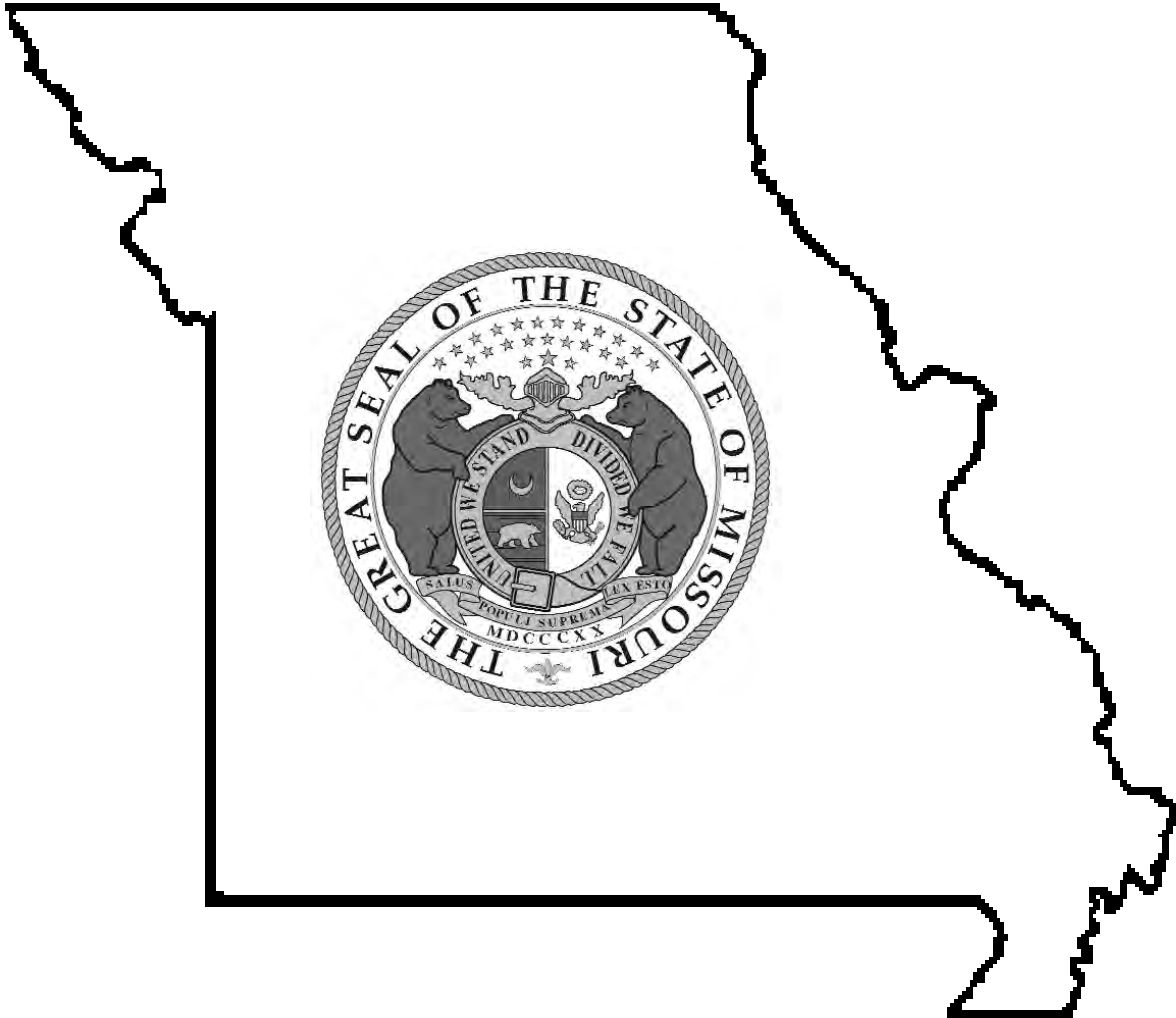
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